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THE

MUNICIPAL BUILDINGS

OF

EDINBURGH.

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THE OLD TOLBOOTH

(AFTER A PAINTING BY ALEXANDER NASMYTH)

THE MUNICIPAL BUILDINGS OF EDINBURGH

A SKETCH OF THEIR HISTORY FOR SEVEN HUNDRED YEARS

WRITTEN MAINLY FROM THE ORIGINAL RECORDS

BY

ROBERT MILLER

Lord Dean of Guild

WITH AN APPENDIX
SUGGESTING IMPROVEMENTS AND EXTENSIONS TO THE PRESENT
BUILDINGS IN THE ROYAL EXCHANGE

EDINBURGH
PRINTED BY ORDER OF THE TOWN COUNCIL
1895

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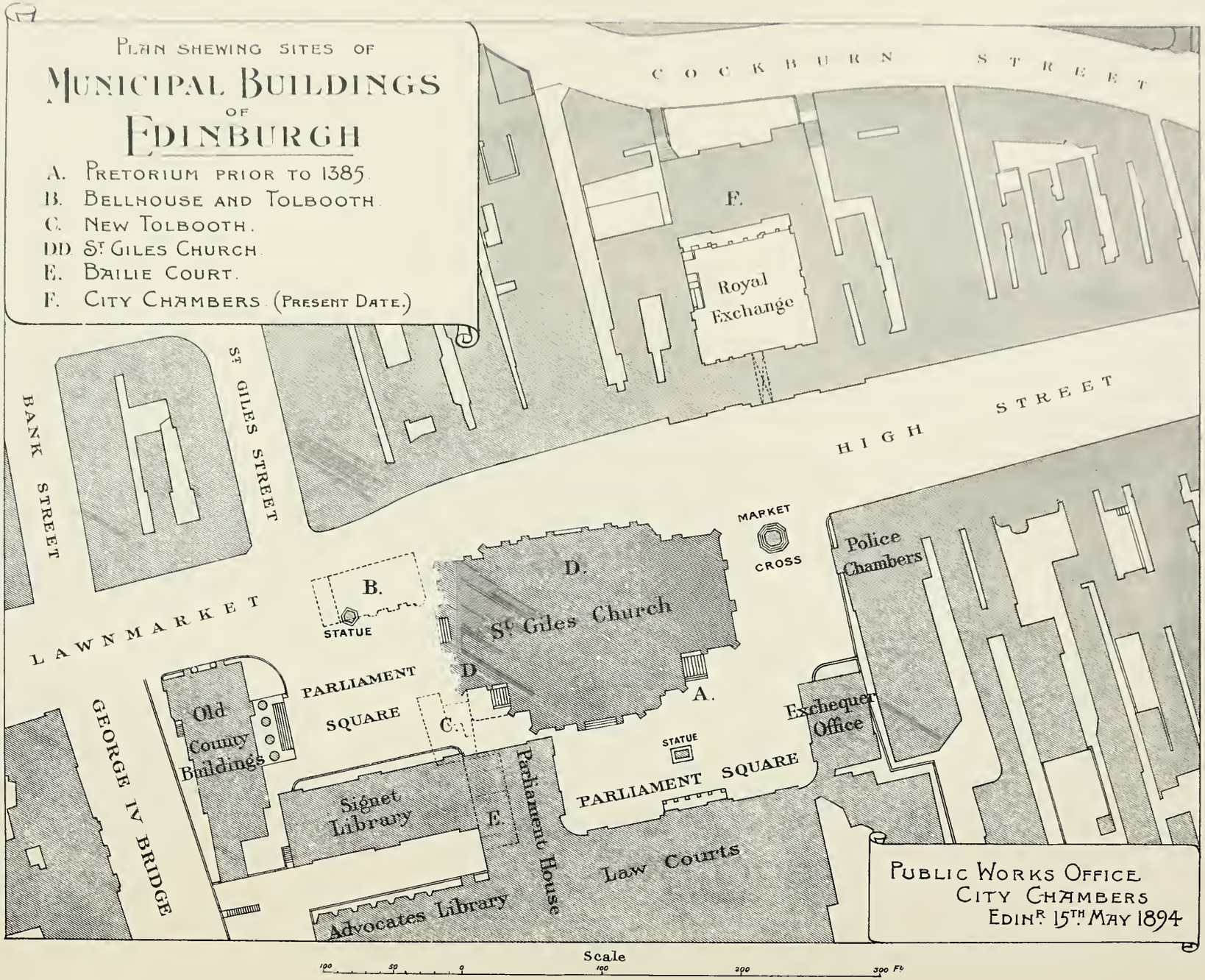
EARLY HISTORY.


Plan shewing sites of
Municipal Buildings
of
Edinburgh
A. Pretorium prior to 1385.
B. Bellhouse and Tolbooth.
C. New Tolbooth.
DD. St Giles Church.
E. Bailie Court.
F. City Chambers. (Present Date.)
COCKBURN STREET
F.
Royal Exchange
HIGH STREET
BANK STREET
ST GILES STREET
LAWNMARKET
B.
STATUE
D.
St Giles Church
D
A.
MARKET CROSS
Police Chambers
PARLIAMENT SQUARE
C.
Old County Buildings
GEORGE IV BRIDGE
Signet Library
E.
Parliament House
Advocates Library
Law Courts
STATUE
PARLIAMENT SQUARE
Exchequer Office
Public Works Office
City Chambers
Edinr 15th May 1894
Scale
100 50 0 100 200 300 Ft

EARLY HISTORY.

THE Municipal Buildings of Edinburgh, throughout their long history of seven centuries or more, have stood within a stone's throw of the same spot. The necessity for such buildings arises naturally from the double purpose of affording accommodation for the deliberations of those who are entrusted with the government of the burgh or town, and supplying a place where the tolls or taxes necessary for the upkeep of the burgh may be paid. From the first of these considerations they are called in modern times a Town Hall, or Council Chambers, or Municipal Buildings generally; whilst the second—the necessity of an office where the tolls or taxes might be paid, which was even a more outstanding feature in ancient times than the former—gave rise to the old Scottish name of Tolbooth or "Taxhouse," the peculiar name by which Scottish Municipal Buildings were generally known.

TOLBOOTH.

Strictly speaking, the history of the Municipal Buildings of Edinburgh begins when the structure known in history and romance as the Old Tolbooth was already a few years old. Before that time we proceed by inference rather than from facts. There must have been a Tolbooth of some sort—using Tolbooth in its literal sense of "Taxing-office" or "Taxhouse"—even in the reign of David I., who granted, about the year 1145, a payment of forty shillings yearly from the Burgh of Edinburgh to the Abbey of Holyrood. There must also have been a Tolbooth—used in the sense of "Municipal Buildings" or "Town Hall"—in the same reign, when Edinburgh was already a Royal Burgh, and the City Fathers, who became responsible for the welfare of the town, would require a Council Chamber as well as an office for lifting the tolls.[1]

[1] The Bailies, Bailiffs, *Ballivi*, were originally the officers or stewards of the King, who collected the rents or dues payable from his burghs; and, as the representatives of the King, they became also naturally his magistrates to administer justice to the people [see Maitland, pp. 227-8]. Though the use of the word Bailies to designate magistrates of a burgh is now peculiarly Scottish, it was not always so. Letters Patent of Richard III. and Edward VI. are extant granting privileges to "the Mayor, Bailiffs, Commons, and Citizens of the City of Dublin"; and the charter of Henry IV. (1403), granting a Sword of Honour to be carried before the Lord Mayor of Dublin the same as before the Lord Mayor of London, enumerates as its beneficiaries "the Mayor, Bailiffs, and Commonalty of our City of Dublin." The title Provost also was not in the earliest period specially Scottish. A charter of King John, 1215, grants a Provostship to the City of Dublin, and the principal officer of Trinity College is known even yet as the "Provost." But by the end of the thirteenth century [1284], the title "Mayor" was the one in general use. ["Precedence

But gradually the evidence becomes more direct. There are frequent references in the early deeds and charters of St Giles to the "Pretorium,"[1] which was the old Latin name for "Tolbooth"; and one of these enables us to identify the site that it occupied previous to the burning of Edinburgh by the English in 1385. It occurs in the "List of annual rents belonging to the altar of the Blessed Virgin." The date is 1369, "Item de terra Anote Wlf ex parte australi venelle ex opposito pretorii octo solidi" [Also out of the land of Anote Wlf on the south side of the Vennel, opposite the Pretorium, eight shillings].[2] There are several Vennels mentioned in these charters, but this one is "obviously the common Vennel leading to the Cemetery of St Giles' Church, which extended from the High Street down the steep slope to the Cowgate, and is shown on the section of Gordon's map of the city close by the east end of the Church."[3] This "Pretorium," or Tolbooth, the first of which we have any definite knowledge, stood thus close to the south-east corner of St Giles, as close to it as its more famous and historic successor, which existed for centuries at the opposite or north-west corner of the Church.

Destruction of Records.

It is not to be wondered at that the early history of our Municipal Buildings is so dim. During these early centuries, the houses of Edinburgh generally, St Giles' Church perhaps excepted, were roofed with straw or broom, and were destroyed periodically with every visit of our ancient enemies of England. It does not appear that the inhabitants were so much annoyed by this as might be expected. The English left the walls, which were about ten feet high or so, still standing, and it was an easy matter for the owners, when the invaders had retired, as was usual, through dearth of provisions, to pull three or four boughs over their ruined hearth stones, and replace the roofs; which, we are told, they sometimes judiciously carried off with them to their retreat, so as to have them in readiness on their return. Indeed, in much later times, we find them complaining much more bitterly of a visit from their friends the French than of such visits as these from their enemies, for they had to keep the French in lodgings and provisions, whilst from the English they suffered at the most only a few days' exile from their homes. We have lost, perhaps, more from these repeated burnings than the inhabitants did at the time, in the destruction of the deeds and other materials of history which were possibly of secondary importance then, but would be invaluable to us if they had been preserved.

of Edinburgh and Dublin, 1865"]. In the documents that have survived, the Chief Magistrate of Edinburgh is styled "Alderman" continuously till 1373. Four years afterwards Provost [Prepositus] appears for the first time. "Alderman" is repeated in 1378, and again in 1408, 1416, 1423, and 1439; but with these exceptions "Provost" is the title by which he is always known since John de Quhitness held that office in 1377. See further on "Tolbooth" Note, page 6.

[1] Such as in 1381, "[Actum curie burgi de Edynburgh de carta Simonis de Kyrcaldy]. Curia burgi de Edynburgh tento ibidem in pretorio, &c." Charters of St Giles, Bannatyne Club, p. 22.

[2] Charters of St Giles, Bannatyne Club, p. 276.

[3] Peter Miller: "The Old Tolbooth." Printed for private circulation, 1887, p. 38.

The one difficulty indeed that the historian meets with in dealing with the affairs of Edinburgh, as of Scotland in general, for the period before the middle of the fifteenth century, is the lack of documentary evidence. The council records of Edinburgh begin with the year 1403, and one moderate sized volume contains all that has survived concerning the business and Municipal legislation of the burgh between 1403 and 1528. The period between 1403 and 1450 is comprised in eight pages of "lowse leiffes" and "auld leiffes" that have been preserved from the general wreck. The repeated burnings by the English, and the removal of the records of the kingdom to England by Edward I., accounted for the absence of material before the end of the fourteenth century; and history repeated itself when Cromwell carried off to London the most valuable of the records that existed in his time. The half of these were lost when they were sent back by sea after the Restoration; and much of what had escaped plunder or had been accumulated since, has perished through neglect or fire.

MUNICIPAL.

The meaning of the expression "Municipal Buildings" is, in Edinburgh at least, much wider in the historic period that opens after 1385 than it is in the present day. All public buildings were "municipal" in every sense of the term; they were built out of the burgh or municipal funds; they might be used, as occasion arose, for any burghal or municipal purpose. We shall find, for example, that Parliament Hall, though devoted now to other uses, is a Municipal or Civic building in this sense. The Church of St Giles was rebuilt and extended and adorned mainly at the expense of the town, assisted by the munificence of private benefactors; the Old Tolbooth served not only as City Chambers, but also as a Parliament House, as a place of meeting for the King's or Privy Council, as the home of the Courts of Justice, and the Conventions of Burghs, and as a Prison or Gaol.

When the Old Tolbooth became inconvenient for these various purposes, and threatened to become ruinous, the Magistrates and people of Edinburgh were compelled by Queen Mary to provide a New Tolbooth at the south-west corner of St Giles', for the accommodation of the Courts of Justice, under threat of their removal to some other town. During the time that this New Tolbooth was being built, St Giles' Church itself was turned to municipal uses, and the Courts of Justice were established in a corner of the sacred building; whilst in other parts it sheltered permanently the Town Clerk and his subordinates, and afforded accommodation for the town's charter-house and two prisons. A municipal weaving-loft,—as we shall see afterwards,—was also erected in the roof, in a vacant space which was appropriated later for one of the prisons. Before long the New Tolbooth itself was found insufficient, and by Royal Orders again another New Tolbooth was built, which became the Parliament House as we know it now; but it was the citizens of Edinburgh, again, with whatever help they could get, who bore the expense.

It is the history of these buildings, all "Municipal" in the wider sense, and

the history, so far as it is known, of the buildings in which the Town Council of Edinburgh met to transact the necessary business of the burgh at other times, or used in other ways for burgh purposes, that we endeavour in the following pages to trace in the narrower sense of the term. We shall show, mainly from the records of the time, and more especially from the Minutes of the Council of the Burgh of Edinburgh, when the different edifices were erected, in which the Muncipality of Edinburgh—Royal Burgh till 1633, and City since—has had its home, and pursued its deliberations; where it has feasted and entertained its sovereigns, held its courts, and condemned or kept its prisoners: with the changes through which the buildings have passed, and the vicissitudes that they have suffered. The history of the Municipal Buildings of Edinburgh ramifies, indeed, into the history of the kingdom of Scotland, as the Parliaments of Scotland sat for centuries in the Civic Halls, and sat, from 1640 till the Union in 1707, in a Hall that was Civic property, as it had been built at the Civic expense; but our purpose is to write a history of the stones and not a history of the time.

NOTE.

Page 3.—Tolbooth or Taxhouse.—The following extracts from the so-called "Laws and Constitutions of Burghs, made be King David the First, at the New Castell vpon the Water of Tyne," are illustrative of the text and footnote.

"Chap. 1. *Of the King's Rent within Burgh.* In the first, ilke Burges sould pay zearlie to the King, in name of Burgage, quhilk he defends and halds of him, for ilke rude of land, fiue pennies."

"Chap. 2. *Of ane New Made Burges.* Qvha is made of new the King's Burges, first he sall sweare to be faithfull and trew to the King, his Baillies, and communitie of that Burgh, in the quhilk he is made Burges."

"Chap. 53. *How Meikil ane Burges soud haue.* Na man may be the King's Burges of any land, bot gif he do service to the King, quhilk extends to ane Rude of land." "*Leges Burgorum*," translated by Sir John Skene in "*Regiam Majestatem, &c.*," published 1609."

THE OLD TOLBOOTH.

THE OLD TOLBOOTH.

THE first distinct reference to the fabric of the ancient Municipal Buildings that survived almost into our own time occurs in the Council Records under date 19th March 1500-1,[1] in a contract between the Magistrates and John Marser, mason, for "the furnessing and completing of the towre of the Tolbuith":—"19 March 1500-1.—The 1501.
quhilk day it is appoynttit and concordit betuix the baillies, Jhonn Adamsoun, Johnne Williamsoun, William Carmychell, thesaurer, Andro Bartrahame, William Bothuell, and Robert Rynde, in the townis name, on that ane pairt, and Jhonne Marser, masoun, on the vther pairt, in this wys, viz. that he sall furnys in hewing vj^{c} peces of aslaurris to the furnessing and completing of the towre of the Tolbuith, and he sall furnys ilk fute of the astler weill hewin on all faces for ijd. the fute, and as for the broching at the querrell [quarry] and dressing, thay to rewaird him thairfore as accordis be ressoun; and attour he hes promyttit to furnis oulklie vther fyve masouns to him self quhen thay begyn to lay the wark, to wyrk thairat with him, the toun payand to him oulklie for his awin wages ten shilings, and to ilk ane of the vthers ix allanerlie, and this hewin wark to be furnist betuix this and Mydsomer, the toun directtand and careand the wark fra the querrell, and the toun till do thair deligence to cause the saidis personis to wyrk to thame before ony vtheris,—Jhonne Williamson souertie for the said masoun and fulfilling of his promyt and he oblist to freith him." Only fragments of the Records for the century previous have survived the general wreck in which so much that would be interesting to the present generation has perished, and none of these "lowse leiffes" give us any information further than that a Tolbooth of some kind was then in existence. The edifice itself has been immortalised by Sir Walter Scott in "The Heart of Midlothian."[2] It stood at the north-west corner of St Giles' Church,

[1] Note I.

[2] In the "Notes to the Heart of Midlothian," Sir Walter Scott states that "the ancient Tolbooth of Edinburgh, situated and described as in the last chapter [Chapter VI.] was built by the citizens in 1561." The great novelist is wrong here in his history. He confuses the Old Tolbooth—situated at the north-west corner of St Giles', and finished, as we describe above, in 1500-1, which had become ruinous in 1561, and was afterwards largely rebuilt—with the New Tolbooth, built by Queen Mary's orders opposite the south-west corner of St Giles', and finished in 1563 or 1564. A temporary Tolbooth was erected inside the west end of St Giles' in 1563, in which Parliament and the Courts of Justice sat until the New Tolbooth should be finished. This part of St Giles' was converted several times into a Tolbooth between 1561 and 1640, when the present Parliament Hall was built.

and its southern wall was originally in a line with the northern wall of St Giles', before the church was extended northwards by the building of the Albany Aisle. The site has been marked since the buildings were removed by a heart worked in the pavement. It covered the portion of the High Street and the square in front of the western door of St Giles' as far as the Buccleuch Statue on the west. Chambers, following Maitland, states that the tower referred to was taken down and rebuilt in 1500-1, which would make the buildings old already at the beginning of the sixteenth century. The entry in the Council Records does not state so precisely that the tower was rebuilt, but they indicate that a building of some kind, which stood here in the latter half of the fifteenth century, was finished in the opening year of the sixteenth, to remain intact, so far at least as the eastern portion of it was concerned, for fully three hundred years.

Statements have been made and contradicted, without proof on either side, that the old Tolbooth was built originally as a residence for some of the clergy attached to St Giles'; and it has been suggested that it was selected as the meeting-place of the Parliaments, and afterwards of the Courts of Justice of the Realm, because the Chapter-house, which may have been there, would afford a suitable chamber. The supposed ecclesiastical style of its northern front, which was adorned with niches, is advanced to strengthen this position; but it is much more reasonable to believe that this ecclesiastical appearance was due to its being built by the same workmen who were employed at St Giles', and at the same time; and masons, as we know, were continually at work at St Giles' during the fifteenth century at the expense of the Burgh. We can trace them in the Records from 1387 to 1416, and again in 1454, 1460, and 1491. It seems placed beyond doubt that the site on which the Old Tolbooth stood was that gifted to the town in 1386 by the Charter of Robert II., indorsed "Charter of the site of the Belhous" [*Carta funde de la Belhous*], by which the King gave, granted, and confirmed to the Burgesses and Community of the Burgh of Edinburgh, and their successors in time to come, "sixty feet in length and thirty in breadth of land lying in the market-place of the said Burgh, on the north side of the street thereof . . . to construct and erect houses and buildings on the foresaid land for the ornament of the said Burgh, and for their necessary uses." This Charter was granted in 1386, the year after the historic burning of Edinburgh by the English in 1385, when the only building left was part of St Giles', and it was necessary to re-plan and rebuild the whole as in the case of London after the Great Fire of 1666. The market-place was the Great Square that lay in front of the west façade of the church—a large open space, as in so many Continental and English towns. This was subsequently encroached upon by the extension of the line of the Lawnmarket, and was covered for centuries by the northern buildings of Beth's and Forrester's Wynds. It was still open in 1520, when, on October 6th, the market for oats and horse corn was appointed to be held "at the

govis [pillory] above the Tolbuith stair on the south syde." It was so also on 22nd February 1527-8, "The whilk day, the baillies and counsale ordanis the dene of gild or thesaurer till caus the waist land of the townis that thai gat fra Hew Dowglas and his spous, lyand at the west kirk dur, to be fillit vp with red [refuse, rubbish], and to ealsay the samyn honestly as efferis." The buildings were removed and the square restored to its former condition only in 1817.

THE SITE.

Four points settle the question of identification of the site. In the first place, the ground on whieh the Old Tolbooth stood measured almost exactly the 60 by 30 feet of the Charter of 1386—60 feet by 33 feet, Chambers says, "over the walls." Seeondly, the language of the Charter points to the same spot. The English translation is somewhat ambiguous, but it is clear from the Latin of the Charter itself that "the north side of the street thereof" means the north side of the market-plaee itself, "sexaginta pedes in longitudine et triginta in latitudine de terra jaeente *in vico fori eiusdem Burgi* ex parte boreali *vici eiusdem.*" Thirdly, in the Counеil Records for 1457, 1480, and 1482, in the settling of the annual rents of the town, the "Belhous" and the Tolbooth are spoken of as if they formed praetically one building, from whieh a considerable income was drawn for "booths," or offiees or shops. In the two last-mentioned years at least the Tolbooth must have stood upon the site it oeeupied for the next three hundred years, and after 1482 the name "Belhous" disappears from the Minutes and "Tolbooth" is applied to the whole. This point in the argument is eonfirmed by the wording of the Letter from James III. under his Privy Seal, ratifying, in 1477, certain Statutes made by the Provost, Bailies, and Counеil, in regard to the places at whieh the markets should be held within the Burgh, in whieh we find the "Belhous" forming the western boundary of the markets, travelling upwards from the Netherbow; and the Tolbooth the eastern boundary, travelling downwards from the Lawnmarket; ["also the cramys of chepmen to be set fra the Belhous doun to the Trone on the north side of oure saide strete; also the hatmakaris and skynnaris fornent thame on the south side of the samyn; . . . also the mele merket of all granes and eornes fra the Tolbuith up to Liberton's Wynd."] It will be observed that there is no suggestion here, any more than in the Charter of 1386, that the "Belhous" was on the north side of the High Street, as a eareless reading of the English rendering of Robert's Charter might suggest; the Tron and the "Belhous" are on the same side of the street, which we know in the ease of the Tron was not the north; and the "Belhous" and the Tolbooth are the barrier beyond which the markets on either side shall not pass. If any further confirmation were needed of identifiea-tion of the site as that granted in 1386, as also of the identity of the "Belhous" with the eastern part of the Old Tolbooth, it is afforded by our fourth point, the reeent diseovery in an old sasine of the premises, No. 371 High Street,—which had belonged to Adam Bothwell in Queen Mary's time,—that they were described as Bothwell's fore

tenement situated on the north side of the High Street, *opposite the Belhous.* The eastern part of the Old Tolbooth was as nearly as possible opposite this No. 371.[1]

1403. There had been, presumably on this site, since at least 1403, a "Pretorium," as the Townhouse or Tolbooth is called in the Latin of the old records, just as we know there had been a "Pretorium" at the south-east corner of St Giles' for long before 1385. The first entry that has been preserved to us in the existing Council Minutes [Oct. 3, 1403], is one of the election of officers of the Guild "in Pretorio burgi de Edinburgh." The Tolbooth was thus also at this period the Guild Hall, or Merchants' Hall of the town.[2] Amongst the Charters relating to the City of Edinburgh, is a grant by Sir Robert Logan of Restalrig of a piece of ground in Leith, done in the Tolbooth of the said burgh [in pretorio dicti Burgi], Feb. 27, 1413-14. The first general Council of the reign of

[1] See Peter Miller's "Old Tolbooth," p. 13.

[2] This entry opens up in itself a most interesting vista of municipal history. The first stage in burgh or municipal life is the growth of the town round the castle, or under the protection of the feudal baron or of the king, who was the superior in the case of Burghs Royal. In the next stage, which marks a step in the gradual transition to civic freedom, we find the government of the town in the hands of the merchants of the place, who constitute either by prescriptive or chartered right, a corporation known as the Guild. The Bailies or Bailiffs [Ballivi] are still royal officers, at least in the royal burghs, to collect the taxes due to the king or levied by his authority; they are also, it would seem, elected by the community and members of the Guildry, whose principal officers are identical, at this stage, with the Corporation of the town. Such was the state of affairs in 1403, as it had been for very many years previous. Gradually, however, the Merchant Guild fell more and more into the background. An Act of Parliament of 1469 revolutionised the Corporation of Edinburgh by inaugurating "that system of close and secret administration of our Burgh affairs which was so long a blot upon the municipal history of Scotland" [Colston, "The Guildry," &c., p. 45], and we find the tables completely turned in 1518, when the Town Council of Edinburgh constituted the Merchant Guild a Corporation by granting them a Seal of Cause. By a sort of circular process, the Guild first made the Council, and then the Council made the Guild.

The subsequent history of the Guildry and Corporation of Edinburgh, and the claim of the Crafts to be recognised in the governing body of the town, may remind us that the government of the city of London is still a government by the Guild. The meeting-place of the government of the City of London—its Town Hall—is, as the Town Hall of Edinburgh was at this period, also the Guild Hall, and is called by that name. Municipal government in England, and in Scotland, did not, it is true, run on exactly the same lines, but it is a curious feature of the permanence of Anglo-Saxon institutions, that the government of the city of London to-day is conducted practically on the same principles by which Edinburgh was governed five centuries ago. There does not seem to have been in London the distinction between the Merchants and the Crafts which gave the merchants in Edinburgh a monopoly of the Guildry and the government of the town, or rather the distinction disappeared early as a distinction of privilege. The Merchants and the Crafts were associated together in the municipal government of London through the eighty City Companies, or Livery Companies as they were called, "because on occasions of ceremony their members of the higher grade wear distinctive garbs that date from the reign of Edward III. The twelve principal companies, in the order of precedence, are the Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, Merchant Taylors, Haberdashers, Salters, Ironmongers, Vintners, and Clothworkers" [*The Century*, Nov. 1890, p. 133]. The Gilds or Companies, constituting collectively what corresponds to the Guildry in Edinburgh, are now societies of gentlemen who have no connection necessarily with the trades from which they have their name, but the City Corporation is practically an inner Committee or Council of the Livery Companies,—the survivors of the mediæval gilds,—as the Corporation of Edinburgh was, at this period [1403], practically a Committee of the Guild.

James I. assembled in November 1438, "in pretorio burgi de Edinburgh." The first parliament of the same reign, assembled in January 1449, was held also "in pretorio burgi de Edinburgh," and to indicate more certainly that the Tolbooth is here meant, the parliament of 1451, only two years later, is recorded to have been held "at Edinburgh, in the Tolbooth of the samyn." This is the first time that the old Scottish name appears, and throughout the reigns of James II., James III., James IV. and James V., the parliament is always held in the same "pretorium" or "tolbuith."

An uninterrupted series of definite references in the Council Records brings us down to the first positive date that we can associate with the structure of the Old Tolbooth, the building or rebuilding of the tower in 1501. In 1457 there is an entry of the lands and annual rents of the burgh, made in the Tolbooth [in pretorio]. In 1475 there is the grant of a Seal of Cause to the websters who had appeared before "the provest, baillies and counsale" "in oure Tolbuth." In 1477 there is the ratification by James III. of the Statutes from which we have quoted above, regulating the markets within the burgh, and appointing, amongst others, that the meal market should be "fra the Tolbuth up to Liberton's Wynd"; and in 1480 there is again the tacks of the lands and annual rents of the Burgh, including those derived from the booths of the "Tolbuth" and the "Belhouse,"[1] both of which appear again in 1482. When the rebellious barons held James III. practically a prisoner in the Castle, they assembled in council in the Tolbooth, and in the Tolbooth they met with the Dukes of Albany and Gloucester, to arrange terms of peace. The Town Council was ordered in 1484 to "convene and gadder in the inner Tolbuth twyse in the wolk, Wednisday and Fryday, ilk day be the hour of IX." A Seal of Cause was granted to the Fleshers in 1488, on their appearance before the Council in the Tolbooth, and a similar grant was made to the Coopers in 1489, when the masters of the Coopers presented themselves "in the inner chalmer of the samyn." In the closing years of the fifteenth century we find it recorded that the Head Court of the Burgh and Sheriffdom of Edinburgh met in the Tolbooth in 1491, 1492 and 1500; and in November of this same year, 1500, the Court of Parliament of the Four Burghs met at Edinburgh, "in the Tolbooth of the same." An entry in the accounts of the Lord High Chamberlain [I. p. 190], under date October 31, 1490, "Trial in the Tolbooth of Edinburgh of Lord Drummond and his men, for burning the Kirk of Monyvard [Monzievaird]," besides being curiously illustrative of the barbarism of the time, shows that the King also dispensed his justice in the toun's "Tolbooth."[2] There is thus no break in the history from the time when the records begin, and nothing to suggest that the expression "Tolbooth" is used

[1] The last mention of the Bell-house, distinct from the Tolbooth, is in 1509, in an order by James IV. to the Provost, &c. of Edinburgh, narrating that they had, at the King's request, set one of their common shops in the Bell-house to William Dun, Goldsmith, but that he had not occupied it. The King requested the Magistrates to let the shop to Mr Stephen, Apothecary. [Burgh Records, I. 335.]

[2] Note II.

of any building but the one that existed already in the High Street in 1403, and was extended and completed in 1501.

ITS MANY USES.

The old Tolbooth served a multiplicity of uses. The eastern part of it was built, as we have seen, for a Bellhouse or Markethouse, to which the Merchants of the Guildry and the Crafts might be summoned, and from which the signal might be given when buying and selling should begin. But before long both portions, eastern and western, were incorporated into the Tolbooth or Town Hall of Edinburgh, the home of the Council of the Burgh of Edinburgh, and of the Councils and Parliaments of the realm. As the Tolbooth or Town Hall, it also, as we have seen, afforded accommodation for the Courts of the Burgh, such as the Head Court and the Guild Court, the Sheriff Court erected under a Charter granted by James III. in 1482, by which the Provost was created Sheriff within the bounds, and the Peremptory Court of Twenty-one Days, erected under the same Charter for the execution of prompt and more speedy justice than had sometimes been obtained under the process of the "Four Courts of the said Burgh."[1] Besides these, there was a Chamberlain's Court or "Chamberlain's

[1] Note on the Municipal Courts of this Period.

The Head Court still exists, but only as a mere shadow. It was originally, as the name implies, the principal or important Court of the Merchant Guild, and met at least three times a year, after the ecclesiastical feasts of Michaelmas, Christmas (Yule), and Easter. It was at the Head Court held after Michaelmas that the principal officers of the Guild were elected [see Minute, Oct. 3, 1403], and the election of Town Councillors in November remains still as the survival of this ancient practice. Michaelmas, indeed, counted, as it still does for many purposes, as the beginning of the year. Like most ancient usages, it was not especially Scottish, but one of the general Anglo-Saxon customs that were found in England and the Lowlands of Scotland alike, until the adoption of more modern practices in England has made it seem peculiar to Scotland. Even yet, hiring fairs, or "mops," held for the purpose of hiring farm-servants, both male and female, are held in the English Midlands, where engagements are made for a year from Michaelmas [*Murray's Magazine*, Jan. 1889]. The Lord Mayor of London is still chosen on St Michael's Day, Sept. 29. What is known as Lord Mayor's Day, Nov. 9, is the date when he is presented to the Supreme Court of Judicature for the formal confirmation of his election, and his being sworn in to his duties as Chief Magistrate of the city.

The Head Court of the Burgh of Edinburgh was thus originally the general Court of Guild, of which the ordinary Burgh Court was a committee or offshoot. As business was diverted from it, it gradually dwindled until its sittings became purely formal. The minute-books of the Head Court still exist from 1693. It met then in the New Council House or Burrow-Room in Parliament Close. From 1744 to 1795 it met in the Laigh Council House or New Tolbooth. From 1797 to 1810, its sittings were held in the old Justiciary Court Room in the New Tolbooth; and since 1811, a formal sitting has been held once a year in the Court Room in the Royal Exchange. Its members are the Lord Provost, the Bailies, the Dean of Guild, and the Treasurer. The business of the Court in the older minute-books is a "continuation of all dyets in statu quo nunc," thereby passing ordinary civil cases, which would now go before the Sheriff, from the termination of one year into the next. Its business now is the purely formal one of granting to the Clerk of Court and his assistant "to take the oaths and depositions of Parties and Witnesses in all Processes now depending, or which may be brought before the Court betwixt and the Court day in November next, one thousand eight hundred," &c. Besides the *Burgh* Court and the *Guild* Court—the ancestor of the Dean of Guild Court—there are also notices in the records in this early time of the *Constable* Court (3rd May 1511, before the provost and bailies of Edinburgh) and the *Justice* [Criminal] Courts (4th September, 12th September 1515) The "Four Courts of the Burgh"

Aire" held in the burghs of Scotland from very early times, and presided over by the Lord Chamberlain, which supervised trade, and saw that municipal affairs were properly conducted, as in the entry in the Council Minutes dated 1450. It is of this Court presumably, that we have a curious record in the Charters of the City, in a Remission by King James the Fifth, under his Great Seal, in favour of the Provost, Bailies and whole Community of Edinburgh, dated 22nd May 1527, "for their treasonable insurrection against John, Lord Fleming, our great Chamberlain, when sitting in judgment in the Tolbooth of our foresaid Burgh, in the execution of his office of Chamberlain." The Provost held also a Court of Justiciary under a Commission granted in his favour in 1550; and the Convention of Royal Burghs,—a branch in its origin of the "Chamberlain's Aire,"—made the Tolbooth its home when its deliberations were held in Edinburgh. It was in one of the two great halls that served for the meeting-places of the Parliament and the Privy Council,—referred to in 1554 as the "over" and "nether" tolbooth,—that James V. inaugurated the Court of Session on May 27th, 1532. Already in 1484 we find also the distinction of an "inner" and "outer" Tolbooth,

mentioned in the Charter of 1482, are to be interpreted of the sittings of the Head Court, which, as we know from the Minute of Council of January 6, 1579-80, were held four times a year about that time. At a much later date [Arnot's "History of Edinburgh," 1779] the Four Courts of the Burgh were the Criminal Court, the Bailie Court (the successor to the general contentious business of the original Court of Guild), the Ten Marks Court (a Small-Debt Court, where cases were settled in which not more than eleven shillings and a penny Scots were involved), and the Dean of Guild Court.

"William Bartrem, Provost of Edinburgh, and with him the whole community and Incorporation of Crafts-men," had liberated James III. from the captivity in which he was held by his rebellious nobles in the Castle, and, in acknowledgment of this service, he granted to the community, by the Golden Charter of 1482, all the rights of a SHERIFFDOM within the bounds. The Provost was appointed Sheriff, and the Bailies Sheriff-depute, with a very extensive jurisdiction in all criminal cases, and the right to punish "with death, banishment, or any other punishments, according to the nature of their crimes." The Community of Edinburgh was also to receive all fines and escheats that might accrue through this jurisdiction, and in return they were "to cause to be celebrated yearly for ever a funeral mass of Requiem Placebo Dirige, with chanting, in the Collegiate Church of St Giles of the said Burgh on the third and fourth days of the month of August, for the weal of the soul of our late progenitor, and of our soul, and of the souls of our ancestors and successors, with suffrage of prayers for our prosperity." The Bailies still hold their Sheriff-Court under the charter, though their jurisdiction has been largely restricted. A prisoner is brought first before the Police-Court, and is then, if the charge is a grave one, remitted to the Sheriff-Court "over the way," and it may happen that in this Court he may be tried by the same magistrate who remitted him, acting now "*quâ* Sheriff-Depute." We need hardly say that the "consideration" for which the right of Sheriffdom was originally granted, is not now paid or exacted.

The "PEREMPTORY COURT OF XXI. DAYS," erected by this same Charter of 1482, was a Court in which cases between strangers and "neighbours" or citizens "concerning any sums of money and merchandise" might be tried at any time of the year, "the said premonition of twenty-one days being first lawfully made to the parties." As a "Peremptory" Court, its sittings were not held at stated times only, but, so to speak, *pro re nata*.

The Commission of Justiciary of 1550 granted "full power and speciale command all and sundrie personis committaries of thift, ressait of thift, slauchter, murthir, mutilation, and vtheris crymes within the boundis foirsaidis to tak and apprehend and [bring] tham to the knowledge of assis, to put and to justify and to minister justice vpoun tham conforme to the lawis of this realme efter thair demeritis," &c. The Lord Provost had had a criminal jurisdiction granted him also by the Charter of 1482, and the

which is perpetuated in our own days in the newest Tolbooth of all, as the "Inner" and "Outer" "House." Chambers gives the following explanation of the more recent meaning of the expression, which also explains the older:—"It would thus appear, that the part of the building in which the lords sat was called the council-house, while the advocates, procurators, and clients, remained in an outer apartment or apartments, and were upon no account permitted to intrude into the presence of the judges during the consultations held upon cases. We afterwards find that the lords also sat in this exterior apartment, called the 'Uter Tolbuith,' probably to hear causes in their primary stage; and this was, without doubt, the origin of the present important division of the court into an INNER and OUTER HOUSE." It is interesting to notice, as contrasted with our modern procedure that, as Chambers reminds us in a footnote, "the decisions of the Courts of Session and Justiciary were made up with closed doors till after the Revolution." There is no difficulty in understanding how the Great Hall could accommodate both the Parliament and the Courts of Session, for the rule was that while Parliament—the supreme court of the nation—sat, all other courts should rise, of which custom we have a relic in the ecclesiastical practice of to-day that no meeting of an inferior court can be held without special leave during the sittings of the General Assembly, just as in 1558 the King granted dispensation for the lords to administer justice, notwithstanding the sitting of Parliament.

PERIODS OF BUILDING.

In the 316 years that elapsed between the building of the tower in 1501,

Golden Charter of 1603 appointed the Magistrates "to be judges in all crimes and transgressions, both criminal and civil," and in connection with a re-grant of the Sheriffalty conferred the power "to punish offenders or criminals by death, banishment, or other punishment, according to their several transgressions and the laws of our kingdom." The Golden Charter was superseded by the Charter granted by Charles I. in 1636, but the rights of the Magistrates of Edinburgh to punish capital crimes remained, and was frequently exercised. As early as 1514 a man was tried in the Criminal Court of Edinburgh and acquitted. Chiesly of Dalry was condemned to death by the Lord Provost in 1689, without much formality, for the murder of Sir George Lockhart, Lord President of the Court of Session, in which he had been taken *red hand*, and was hanged in chains. "Trials for murder were also held before this Court [the Criminal Court] in the years 1690, 1691, 1700, 1702, 1732, and 1733. But, in this last case, the prisoner declined the jurisdiction of the Court on this head—that he was not apprehended nor served with an indictment within forty days from the alleged commission of the crime. The Lord Provost sustained the defence of the incompetency of his jurisdiction, in which he appears to have been abundantly scrupulous." [Arnot's "History," p. 499.] In spite of this "scrupulosity" the power of the Lord Provosts of Edinburgh to try on capital charges as High Sheriff still remained, as is shown by a case reported in the *Scots Magazine* for December 1743. "On the 15th December, came on before John Coutts, Esq., Lord Provost of Edinburgh (as High Sheriff within the city and liberties), and Mess. James Graham of Airth, Patrick Haldane, and John Stuart, Advocates, three of the City Assessors, the trial of Robert Hawley, Francis Sutherland, Daniel Mackenzie, and Anne Coventry, all indicted, at the instance of the Procurators fiscal of court, of the crimes of theft, reset of theft, robbery, and housebreaking. But Hawley hanged himself in prison, Dec. 24 . . . upon a petition of Anne Coventry, she was sentenced to be transported. . . . [Evidence of the character of the other two accused was afterwards taken and] they both received sentence, Jan. 3, to be hanged in the Grass-market on the 8th of February next."

and the demolition of the Tolbooth in 1817, four dates are prominent: 1560, 1610, 1678, and 1785. The structure itself, though rebuilt and altered many times in the interval, remained practically the same, so that the description of it given by Chambers, as he saw it before it was destroyed, will apply fairly well to the old Tolbooth of the days of James V. It comprised four floors exclusive of the ground flat, which was let out in booths or shops. The eastern end, which was co-eval almost with the Stuart dynasty, since it can reasonably enough be identified with the "Belhous" of 1457, still preserved in its first two floors the halls which had been the meeting-places of the Parliaments and the original home of the Court of Session, but degraded from their high estate, and serving now as a lounge for the debtors and others who were confined in the western half, and as the general felon's prison of the town. A modern projection of two stories high was from 1785 to 1817 the common place of execution, and from it the gibbet was rarely absent. The ground floor of the ancient part of the Tolbooth was known as the Purses, or the Poor Folks' Purses, as it was here that "the ancient fraternity of *Blue Gowns*, the king's faithful bedemen received the royal bounty presented to them on each King's birthday[1] in a leather purse, after having attended service in St Giles' Church." This ceremony had been transferred, many years before the Old Tolbooth was destroyed, to an aisle in the Canongate Church, and was abolished shortly after the beginning of the present reign.

Less than fifty years after the completion of the Tolbooth in 1501, very extensive repairs were carried out on the building, in consequence of complaints by the Lords of Session, who had removed their courts to the Blackfriars Monastery. The particulars of these are still extant in the Treasurer's Accounts for 1554-1556. The south side was new slated in 1559, and great stanchions of iron were put in the windows in 1560. But in spite of this, and of the expenditure in previous years, it would seem that the old Tolbooth had become insufficient for the wants of the town. So in 1560, "the prowest, baillies, dene of gyld, thesaurare [council and deacons of crafts]" took, what might seem in these modern days, a peculiar means of providing for their needs. Edinburgh was in the midst of the storm of Reformation, and the Parliament that put an end to the claims of the Pope in Scotland was to assemble shortly in the Tolbooth.[2] As a result, it would seem that the greater part of the town church was vacant or unneeded, and on the 19th June 1560, the Council issued their orders to the dean of guild to provide accommodation in St Giles' for a school,

[1] Sir Daniel Wilson, "Memorials of Edinburgh," Vol. I., p. 243.

[2] From The Edinburgh Town Treasurer's Accounts—November 1559 to November 1560:—

"Item the viij day Junij I^{m}v^{c}lx for blawin of the trumpet at the Croce for "making of the Proclamatioun to warn in the Parliament to ane day . . . v^{s}."

Letters—Randolph to Cecil—"Calendar of State Papers, Foreign Series, of the Reign of Elizabeth," 1865, p. 220.

a town clerk's office, a prison, and a new tolbooth. The Council had not moved a minute too soon, though it would seem from further references that the accommodation ordered to be provided was either not adequate, or was not forthcoming in time. A year and a half later, on the 10th February 1561-2, an order from the Queen was delivered to the Provost, Bailies, and Council, ordaining them, since the Tolbooth was "ruinous and abill haistilie to dekay and fall down," to take it down with all possible diligence, and in the meantime to provide sufficient accommodation for the various courts of justice, whose meeting-place it had been. The rulers of the city of Edinburgh had always given Mary a hesitating obedience, and on February 24th they resolved that the Tolbooth should be taken down "upon bayth sides so fer as salbe neidfull," and voted 600 marks towards the payment of the workmen engaged in its demolition and in building the "uther tolbuith to be maid in the west end of the Kirk for the lordis of sessioun."

"Ruinous" 1561.

The Council Records show about this period an extraordinary half-heartedness about the work, so far as any result is seen; coupled with stringent orders that the work be immediately done, when there was a danger that the Court of Session would leave the town. After the order given on February 24th, there comes on March 4th a protestation from David Somer, the master of works, that "in case the Tolbooth happen to fall down and danger follow, he be not accused therefor, because he was and is ready to take down the same if the Bailies would give him money to pay the workmen," and on the same date "the Magistrates most earnestly require David Somer to proceed with all diligence in the Town's work for satisfying the Lords of Session, and faithfully oblige them to satisfy him for his labours at his pleasure according to reason." The Lords of Session were to be drawn into no responsibilty, and threatened to remove to St Andrews. So, on April 11th, the master of works was ordered "to end furth the hous in the west end of the Kirk," with all possible diligence. The Magistrates were roused at last to activity, and, much against their will, hastened on the destruction of the old tolbooth to provide materials, in part at least, for the new one inside the church. On April 22nd, the master of works was ordered to deliver to the Dean of Guild "the whole slates taken off the old tolbooth, or so many thereof as he mysteris [needs]," to make the roof of the church watertight, "and mend the rest of the necessaries thereof." The next day an order was issued to "take doun the batteling of the old tolbooth, and so much further as is ruinous, conform to the first ordinance." A tax had been levied on the inhabitants, but had not been collected, and so on April 24th, as "the works of the Tolbooth shall apparently lie idle for fault of money," the Bailies are ordered to gather in the whole tax by "Saturday next." On May 5th this order is repeated in the same terms, and failing thereof, the Bailies are to pay the same "of their own proper goods"; and this proviso is repeated again on June

19th, in an order to hand over £200 to the master of works. The Magistrates further authorised a tolbooth to be ereeted outside St Giles', at its south-west eorner, to provide the full aeeommodation that the judges had apparently not found inside the ehureh; and they granted again in January 1562-3, "the readiest joists upon the flooring of the old tolbooth above the layeh buthis thereof" for the works on the new tolbooth inside the church. In spite of the eondemnation of the Old Tolbooth, and the royal order to take it down, it still remained, and these "layeh buthis" suggest the reason. The Magistrates were very unwilling to lose the revenue from the booths on its ground floor, and wished to preserve it, and build another on a site a few feet south. In Mareh 1562-3, the rentallers of the booths eomplained that these had been made waste and uninhabitable, and that the master of works was removing joists whieh they themselves had bought and plaeed where they were. The Magistrates answered that this was done beeause it was "the Queen's Majesty's mind that the new Tolbooth should be eompleted with all diligence, and that at this present no long timber eould be got." They promised also to replaee them if the Queen would permit them to rebuild the old tolbooth, and in the meantime authorised the rentallers to make some improvements that they themselves had suggested. The Magistrates had always this rebuilding in view, for in June they eommanded the treasurer "with all diligenee to mend the tower of the old tolbooth, and make the same water-tight."

The attention of the Counеil was now direeted for some years to the building and furnishing of the other tolbooths in St Giles', and at its south-west corner; but in 1569 the old tolbooth eomes into evidenee again in a dispute between the Goldsmiths and Fleshers, in which the Goldsmiths were beaten; and in conneetion with the roup of "the over part of their old tolbooth." In 1571, as we learn from the "Diurnal of Oecurrents," "the tour of the Auld Tolbuyth wes tane doun." In 1574, "the wester merehant booth under the tower of the old tolbooth," was assigned to "Mungo Scott, merehant, and Iseobell Haystie his spouse." On May 18th, 1575, the eouncil "ordainis James Ros, thesaurer, with all diligence possebill, to tak doun the west gavill of the towre of the auld tolbuith quhilk is rottin and rewynus, . . . and incontinent to re-edifie and big vp the samyn agane in substantious manner, with all the housis within the said towre, reparell the samyn . . . with ruf jeistis, lofting and vther neeessaris of the javillouris [jailor's] duelling houss and pressoun houssis, as they war of auld." Far from demolishing the building, it had now become a neeessity, as is proved by the following Minute, whieh foreshadows its history for the next 250 years:—"26*th August* 1575.—The Baillies and Counsail foreseeing the danger thay air into at the hands of the authorities in defalt of ane sufficent Prisoun Hous, Quhairfor thay ordane James Ross, treasurer, with all diligence possibill to big vp the auld toore of thair auld tolbuyth in substantuns maner, with all neeessaris

thairof." In 1579, the wording of one of the entries indicates the existence of two "tolbooths" at least: "7th October, the treasurer to buy as much chalk as will spargen [whitewash] *all* the tolbooths." In November of this year there was a roup of the "sontar's shops and booths under the old tolbooth." In December 1579 and January 1580, the occupiers of the booths, amongst whom was the father of the well-known goldsmith, George Heriot, the founder of Heriot's Hospital, were called upon to prove their rights, and many of them were dislodged. In 1580, a new door and bars for the windows were supplied. In 1581, twenty years after its condemnation, it was still in the intention of the Magistrates to rebuild, and the Minute which we give in full, states once more the reasons why they stuck so tenaciously to their old tolbooth. "13*th June* 1581.—Understanding that the Auld Tolbuith now lyand waist is altogidder inproffitabill, quhairass gif the sam wer biggett and reparit suld greitly incres the commoun rent, and the buithis on ilk syde thairof suld gif maill quhair now thai gif nane, and that opportune occassioun is offerit of staynes and aisleris in Sanct Colmes Inche, and uther materialles may now be had quhilkis heirafter sall nocht be gotten, thairfor ordanis the rentalleris of the buithis to be wairnit to compeir before thame the morne that ordour may be tane with thame for downtaking of the saidis buithis and upbigging thairof for thair pairt and sicklyke that the dekynis of craftis be wairnit to the said day to gif thair avyse and vote heir anent the premissis." The deacons of the crafts objected, and it was thirty years before the rebuilding was carried out; but during this period also the ancient edifice was still in regular use. It was ordered to be repaired in 1583. A room was let in it in 1585.

"House of Justice" 1593.

In 1593 an Act of Parliament was obtained imposing a tax for its reparation as a "House of Justice" "with all requisite commodities for administration of justice and detention of malefactors committed to ward from escaping thereof." In pursuance of this, a contribution was asked from the Lords of Session (17th December 1593). In 1596 the Bailies, with two citizens for each quarter or ward, were commanded to take a new "inventory of the maills and duties of each house that the taxation for building the tolbooth may go forward." Three years had already elapsed since parliamentary powers,—as we should say now-a-days,—had been obtained for the work; but, as in 1560, the practical work of building was not entered on hastily. In 1597 the Council was still deliberating, and they resolved to abandon a design for building a church where the University now stands, and to proceed "at once" with the building of "the Tolbooth where it was of old, and the Lords and Justices' Tolbooth in the west end of the kirk to be converted into a church." In December "Extentors" were appointed "of the maills of the houses for building of the Tolbooth, conform to the Act of Parliament made thereanent." On the 6th January next, 1597-8, an "Extent" or tax of £20,000 [Scots] was authorised to be levied for "bigging and reparatioun of the said

Tolbuith, Ports, and walls," "to be collected and uplifted in three years, at three sundry portions, the first year £8000, the second year £8000, and the third year £4000." In this same year there was a quarrel between the town and the rentallers of the booths. In July the Lords of Session suggested a new site further up the high street, between Forrester's and Liberton's Wynd, where the County Buildings now stand. In 1604 and 1606 there are again references to the letting of booths, varied in 1610, as certain booths under "the awld and waist tolbuith," from which the occupiers had removed, "for obedience to the Lords' decreet against them." This was probably done in preparation for the definite rebuilding of that part which had become ruinous, which was taken in hand in May of this year, 1610, exactly half-a-century after the order had been given for its demolition.

After many delays, work was begun at last. The Town Council ratified, on 9th May 1610, an agreement, by which Andrew Symsoun, mason, was to erect a building on the ground cleared for the purpose. The proposed addition is called in the Minute of this date "the new Prysoun Hous in the awld Tolbuith bewest the present Tolbuith where the ground is presentlie red." Symsoun was to provide whatever workmen were neeessary, and the length of the day's work was carefully stated. They were "to begyn and enter to thair work daylie at fyve houres in the morning and work quhill aucht houris, and to enter agane at nyne and work quhill twelf houris, and thairafter to enter at ane and work quhill four houres at evin, and thereafter to enter at half hour to fyve and work quhill seven houres at evin," giving eleven hours and a-half to the day. Symsoun was to begin work on the 14th May. The Magistrates had already made use of the powers that every burgh had at that time of regulating the wages of the workmen within the bounds. The Minute of April 27th brings with it an old-world flavour and *naïveté* that is strangely at variance with our modern free-trade ideas, and it was in accordance with the sums mentioned in it that Symsoun and his workmen were paid, Symsoun himself receiving four pounds Scots a week. "*Fryday xxvij Aprilis j^m^ vj^c^ x^o^*.—Wrichts, Masouns, Pryces.—The quhilk day Alexander Peirsoun, Robert Bannatyne, James Dalzell, Baillies, Roger Maknacht, Deyne of Gild, Thomas Speir, Thesaurer, with the Counsell presently convenit.—In respect of the Aets of Parliament geving power to the Magistrats of ilk Burcht to sett pryces vpoun the Wadges of Craftismen, and in consideratioun of the exorbitant pryees rayset vpoun the Kings Majesteis liges be the deykin and brether of the Wricht and Masouns Crafts within this bureht Thairfore the saids Baillies and Counsall be thir presents settis and gevis the pryces and owlklie wedges following to be tayne be the wriehtis and masounis of this burcht as followes—To witt The maister to haif owlklie foure lib. and the seruands sufficient men ilk persoun foure mark and sex schilling aucht penneis for drynk and drynk syluer and the lads and boyes as thai ar worth." The mark was equivalent to thirteen shillings and fourpence Scots, or a

1610.

twelfth part of that sum—about one shilling and three half-pence—in the money of the present day.[1]

The sums mentioned—four marks per week, with six shillings and eightpence as an allowance for drink—are reasonable enough when we compare them with the cost of provisions at the time. For the Magistrates decided what the lieges should pay for their food and drink as well as what should be the lawful wages of the different crafts. In the table of market prices for September 1611,[2] "the quarter of the best sort of oxin beif" is set down at five pounds Scots; "the quarter of the best sort of kow beif" at four pounds; and the "second sort of mwttoun bowlk" at forty shillings. A pair of doves could be had for two shillings and sixpence, a partridge for nine shillings, a "pair of snypes" for three, "the awld hair" for six, "the young hair" for the same price, and a dozen of eggs for twenty pence. Butter was fourpence per pound, and cheese about thirty shillings a stone. These prices show that even though it was Scots money, the workmen were well paid with their sixty shillings, and Symsoun with his four pounds per week. Their wages would go at least as far as wages of the same nominal amount would go in this present year. The sum total expended on the building for 51 weeks in the years 1610 and 1611, amounted to £7330, 10s. 4d. Scots, of which £593, 2s. 10d. was expended on the necessary iron work. The original part of the building, including the "Thieves Hole," was thoroughly cleansed, and the "Thieves Hole" itself received a substantial gate. The Old Tolbooth was given a lease of life for more than two centuries longer. The minute of the contract with Symsoun spoke of it as "the new Prysoun Hous," and on February 12th, 1611, the Minutes of Counsil mark its completion by the order that proclamation should be made throughout the burgh by sounding the drum for selling of the "twa sister buithis on the north side of their new biggit Wairde Hous," to such as would bid most for them. This name "the new wairde hous" is repeated in entries of the letting of booths on February 22 and 26; but on May 30th, the clerks reverted to the time-honoured historical appellation of Tolbooth: "declared he had set the merchant booth in their new biggit tolbuith, which was set before to James Aynslie, merchant, and given over by him, to , for one year, for £80. The two names are conjoined in the entry of Dec. 18, 1612, ordering the jailor [javellour] and keeper of their Wairdhoussis and Tolbuith," to clean the High Street every week, from the Stinking Stile to Forrester's Wynd Head. For some years the name was applied indiscriminately to the Parliament Hall, the Courts of Justice and the Town Council Chamber, and the Wardhouse or prison of the town; but, by the middle of the seventeenth century, the old Scottish word Tolbooth had become synonymous with prison or jail.

[1] The modern Norwegian coin, the "Krone," corresponds in value exactly to the old Scottish mark. Eighteen of each are equivalent to one pound sterling. The modern German Mark is worth a shilling.

[2] From unpublished Council Records.

THE TOLBOOTH A PRISON.

From the Tolbooth as a Court of Justiee to the Tolbooth as a Prison is not a long step. It is as a Prison that the Old Tolbooth is best known, and a prison of some kind is a neeessary and integral part of all modern Munieipal Buildings; but the Tolbooth as a Prison is a curious example of the change that oeeurs in the meaning of words. In the earliest period the "Tolbooth" is simply what the word denotes, the booth or shop or rather offiee, in whieh the tolls or duties of the town are paid; in a seeond stage, as the municipal offieers of the burgh find this offiee most convenient for the transactions of the general munieipal business, the Tolbooth becomes the Town-Hall, though still ealled by its former humble name; in a third stage, since the buildings of the Town or Burgh Hall are the only ones suitable for the holding of the Royal Courts, the Tolbooth beeomes—as from 1532-1633—the Palaee of Justiee, and the name is to be interpreted as such, its former connection with tolls being completely forgotten; whilst later still, as from 1612-1817, when the Royal Courts have seeured more pretentious surroundings and a more high-sounding name, the ancient Tolbooth or Taxhouse is interpreted by every one as the Common Prison or Gaol. For long a prison was not required at all. In the simple arrangements of the 14th and 15th centuries, an offender was either summarily punished, or put in ward in his own house, or kept in ward in the house of an offieer of the burgh or crown. The earliest mention of the use of the Tolbooth as a prison is in 1480-1, where, in the tacks of the lands and annual rents there oecurs the entry: "Under the Tolbuith on the south syde . . . The sext buith is maid a presun." This was presumably the "nether-hole" which is referred to in 1498, as later it is well-known as the "thieves hole," which is so prominent in the alterations of 1554-6, and at other times. It was still in existence, though converted into a shop known as "Miehael Ketten's Shoe-Shop," when the old Tolbooth was demolished in 1817. This "nether-hole" or "thieves-hole" was suffieient for the wants of the town during the first half of the sixteenth eentury, when the reeognised punishments were banishment, by which evil-doers were expelled the town under penalty of death on their return, or branding on the cheek, or burning, or having the hand pierced, or being fined, or put in the stoeks, or a eombination of any two or more of these. But in 1554 more prison aecommodation was required, and the old Tolbooth was utilised for the purpose. Extensive changes and repairs were made after the Lords of Session had declared that they were afraid to sit any longer in the Tolbooth. About this time an "iron-house" or cage had been built in the upper hall as a place of safe keeping for the more desperate offenders, and it remained there for more than three hundred and fifty years. "Seven stane and 13 pund weyt of irne wark" was used in bolts for this "iron house," and the thieves hole and "over tolbooth" in 1554. Two items in the accounts for June 1555 show that the Tolbooth was not yet very seeure; "for mending of fyve greit loks quhilks wer fylit and brokin with presoniris," "for the mending of the key and the loke

of the over heich tolbooth dur," and "the loft of the irnhous," or the "over irnehous" as it is called in the Accounts, was repaired and floored. A "great yett" or gate was put on at the end of the year. In 1557 (Oct. 18th) orders were given to cause "strik furth and mak ane Dur of new to the Presoun Hous aboue the ovyr Counsale Hous in the ovir Tolbuith, and the entre thairof to be within the Ovir Tolbooth upoun the north side of the Justice said [scat] thairof," and in the troublous times of 1560, the treasurer was ordained, "with all diligence possebill, to loft and flure the ovir irne hous, and to put in greit stanchcounis of irne in all the wyndois of the ovir tolbuith."

This practical conversion of the Tolbooth into a prison will help us to understand the haste with which the western portion of St Giles' was altered for the accommodation of the Courts. Advantage was taken to the full of the security that it afforded, even though throughout its history that security was very uncertain. The first prominent offender was a boy who had stolen the Queen's silver plate, and seemed to have got free by the negligence or connivance of the jailor (May 15, 1556). Amongst the next (1559) entrusted to its safe keeping were one of the Bailies and the Town Clerk, whom the Provost, Lord Seton,[1] had put in ward without any cause shown. They were afterwards freed by the Council on bail.

[1] This was George, the fifth Lord Seton, or Seytoun, whom Sir Walter Scott has introduced into his novel "The Abbot." He was one of the steadiest supporters of Queen Mary throughout her many changes of fortune. He had been Ambassador to France to treat of the marriage projected between her and the Dauphin, afterwards Francis II. He brought the negotiations to a successful issue, and the marriage was celebrated in Notre Dame in 1558. After her return to Scotland he became Grand Master of the Household. He sheltered her in his castle of Niddrie after her escape from Lochleven, and was with her at Langside. When Queen Mary fled to England after her defeat at Langside, he took refuge in Flanders, and became so reduced in circumstances that he had to drive a waggon for his livelihood, and was painted thus in his castle of Seton. After the accession of James VI., he was sent Ambassador to France. He died shortly afterwards, and was buried in the Collegiate Kirk of Seton. His son Robert became in 1600 the first Earl of Winton, which was the first earldom created by James VI.; and his grandson Alexander, third son of Robert, succeeded his uncle in the honours of the Earldom of Eglinton. The Earldom of Winton became extinct by the attainder of the fifth earl in 1716, but the title was revived in 1859 as a peerage of the United Kingdom, in favour of the Earl of Eglinton, who claims also the succession to the attainted earldom of 1600.

The passages in the text are not the only instances of cavalier treatment of the Magistrates of Edinburgh by the fifth Baron Seton. "When the Lord Seton, about 1555 [another authority says 1558, which is probably the correct date, as Seton was not Provost in 1555], was Provost of Edinburgh, there was an uproar in it, and two of the bailyies came out to their Provost at Seton, and he finding they were accessory to the conspiracy, he imprisoned them in the Pit of Seton (a place I have seen), which was a dreadful contumely; and rode in presently to Edinburgh, and appeared and choakd the commotion." [From Lord Fountainhall's MSS., Advocates' Library, quoted in "History of House of Seytoun," Maitland Club, p. 98.]

The ruins of Seton Castle and Church form still a conspicuous object from the railway when approaching Prestonpans from the south. The Castle "excelled in elegance every mansion of its age, and gave entertainment to James VI. and Charles I. on the royal progresses through Scotland." The walls and ancient roof of the Collegiate Church are still entire.

This Provost was a somewhat despotic ruler, as two days after this (April 22, 1559) a messenger appeared before the Council with orders from him to put three persons in irons. The messenger had forgotten the names of two of them, but thought they were "Thomas Thomsonys sonnys"; and when the Bailies asked him "whilk of Thomas Thomsonys [sonys] thai war, becaus he had monye," he was unable to tell. The third one, Adam Dickson, an apothecary's servant, was arrested, but liberated subsequently on bail. Arrangements were made in May 1560, by order of the Privy Council, that each bailie in turn should be responsible for the watching of the prisoners, and should provide four of the residents in his ward to watch each night. Later in this year there was the interesting episode of the Laird of Restalrig and his "concubine," as she is called in the simple speech of the time. How the adventure ended, or what were the exact grounds of quarrel, does not appear, and the story remains an unfinished torso, illustrative of the difficulties of municipal government at the time of the Reformation. The laird of the time had sent the bailies the following letter on the Sunday preceding the 9th September 1560:—"Baillies of Edinburgh,—I lat you wyt that ye have ane puir fallow of myne in your keiping in your tolbuth, quhairfor I desyre him to be lattin furth, vtherwise I salbe evin with you or Mertymes. Nocht ellis quhill oure meting quhilk I sall fynd ane vther rowme to meit in nor the calsay of Edinburgh. Robert Logane. Gyf this present beis nocht ansnerit I sall put you in als gude ane tolbuth." The Homeric simplicity of the letter received a Homeric answer. It was ordered first to be registered, possibly to keep the Bailies in mind of the laird. But Restalrig had met more than his match, and in a few days the Bailies had him at their mercy Let the Records tell the tale:—"9 *September* 1560.—The baillies counsale and dekynnis being convenit, and efter ressonyng vpoun the contemptioun committit be the laird of Restalrig aganis the gude toun, fyndis gude sen they have put handis in him, and havand him presentlie in their warde, that he be surelie keipit in the layeh counsale hous, all the durris makand passage thairto to be doubill lokit and strenthit, and that five of the officeris remane with him dailie and nychtlie quhill they be forther avisit." Double locks and five men by day and night were increased on the next day to eighteen men by day and six by night, and a bailie was ordered to be present at the changing of the watch. The "fallow" who had occasioned so great a disturbance now drops out of the story, and "it is ordanit be the bailies and counsale foresaid that deligent inquisition be made throuch all the toun for the laird of Restalrigis concubyne, and that incontinent efter scho be apprehendit scho be carttit throuch the toun and banischit the samyn, vnder the panys contenit in the proclamatioun maid for huris; and that the samyn ordour be obseruit tuiching all hnrris within the said toun, conforme to the said proclamatioun, as the saidis baillies will answer

The Laird of Restalrig in ward.

vpon thair offices." The next day again, September 11th, the Council decided that Restalrig's bail should be £10,000, "that they salbe harmeless and skaythles of him and all that he may lat." Five days later, September 16th, the Council literally *immured* him. "The provost, bailies and deacons of crafts ordained the over turnepike dur of the laich counsale hous, quhair the laird of Restalrig is, to be bigit vp with stane and lyme"; and also ordered "the wache to be maid stranger within the tolbuth sa lang as the laird of Restalrig remanis thairintill, viz.. xxx able weill furnyst men for the nycht wache, and xv for the day wache." They also restricted his companions to two boys, unarmed, and limited his visitors to "men of honour and jugement quha salbe knawin to feir God and of mynd to gyf him gude counsale for his weill, and they also to haue na wappinis." The story closes with the order that each of his warders should be paid three shillings a day.

A few months afterwards [November 1560] the craftsmen released by force one of their number, the deacon of the butchers, who had been convicted of adultery. In June 1561, a serious riot was occasioned by a number of the craftsmen and apprentices having joined for the purpose of playing Robin Hood; "which enormity was of many years left off, and condemned by statute." One of the ringleaders, a shoemaker, was captured, and condemned to be hanged, but the following contemporary account from the "Diurnal of Occurrents" will show how the tables were turned, and the Magistrates themselves became prisoners in their own prison or Tolbooth :—

Magistrates Imprisoned. Riot of 1561.

"Vpoun the xxj day of Julij, the zear foir said, Archibald Dowglas of Kilspindie, provest of Edinburgh, Dauid Symmer and Adame Foulartoun, ballies of the samyn, causit ane cordinare servand, callit James Killone, to vnderly the law in the tolbuith of Edinburgh, for the cuming in the toune of Edinburgh, and playing with Robene Hud; and for that caus thair was certane craftismenis servandis put to the horne of befoir, of the quhilk the said James Kellone wes ane; and causit the assyiss quhilk thaj had electit of thair assistaris pas thairvpone, quha condamnits him to be hangit. And thair after the craftismen maid grait solistatiouns at the handis of the said provest, Johne Knox minister and the ballies, to haue gotten him releuit, promitting that he suld doe ony thing possible to be done salfand his lyif, quha wald doe nathing bot haue him hangit. And quhen the tyme of the poore mans hanging approchit, and that the poore man wes cumand to the jibbet with the ledder vpone the quhilk the said cordinar suld haue been hangit, the craftismennis childes and servandis past to armour; and first thaj howsit Alexander Guthrie, and provest and baillies, in the said Alexanderis writting buith, and syne come doune agane to the croce, and dang doun the jibbet, and brak it in pecis, and thairefter past to the tolbuith, quhilk wes then steikkit; and quhen thaj culd nocht apprehend the keyis thairof, thaj brocht foir hamberis and dang up the samyn tolbuith dure perforce, the provest, bailleis and vtheris luikand thairvpon; and when the said dure wes broken up, ane part of thame

past in the samyn, and nocht allanerlie brocht the said condampnit cordiner furth of the said tolbuith, bot also all the remanend presonaris being thairintill; and this done, thaj past doun the hie gait, to haue past furth at the nether bow, quhilk wes then steikit, and becaus thaj culd nocht gat furth thairat, thaj past vp the hie gait agane; and in the mene tyme the provest, bailleis and thair assistaris, being in the writting buith of Alexander Guthrie, past to the tolbuith; and in thair passing up the said gait, thaj being in the tolbuyth as said is, schot furth at the said servandis ane dag, and hurt ane servand of the craftismennis. That being done, thair was nathing bot tak and slay, that is, the ane pairt schotand furth and castand stanes, the vther pairt schotand hagbutis in agane; and sae the craftismannis servandis held them continewallie fra thre houris afternone quhill aucht at euen, and never ane man of the toun sterit to defend thair provest and baillies. And than thaj send to the maisteris of the craftismen to caus thame, gif they mycht, to stay the saidis servandis; quha purposit to stay the samen, bot thaj culd nocht come to pas, but the servandis said that thaj vold haue ane revenge for the man quhilk was hurt. And thairefter the provest send ane messenger to the constable of the castell to cum to astay the matter, quha came; and he, with the maistaris of the craftismene treitit on this maner, that the provest and bailzies sould discharge all maner of actions quhilk thaj had aganes the saidis craftischildes in ony tyme bygane, and chairgit all their maistaris to ressave them in service as thaj did of befoir, and promittit neuer to persew thame in tyme to cum for the samen. And this being done and proclamit, thaj skalit, and the provest and ballies come furth of the tolbuith."[1] The record of such difficulties of municipal government as these, and

[1] For the benefit of the "mere English" reader we append the following summary of this transaction, as given by Sir Daniel Wilson ["Memorials of Edinburgh," Vol. I., p. 89]:—"A deputation from the same body waited on John Knox, and besought his influence on behalf of the offender, but he refused 'to be a patron to their impiety.' A gallows was erected below the Cross, and all preparations completed for the execution, when the rioters resumed their weapons, broke down the gallows, and put the magistrates to flight, pursuing them till they took refuge in a writer's booth. There they were held captive, while the mob proceeded to assault the Tolbooth within sight of them. They broke in the door with sledgehammers, and set Gillon and all the other prisoners at liberty. On their departure the magistrates took refuge in the Tolbooth, and thence fired on them on their return from an attempt to pass out by the Nether Bow Port. Meanwhile, the deacons of the corporations were summoned to the rescue of the Provost and Bailies, 'but they past to their four-hour's penny, or afternoon pint,' returning for answer, that *since they will be magistrates alone, let them rule alone!* The provost was compelled at last to seek the mediation of the governor of the Castle; but the rioters did not disperse, nor permit the magistrates to escape from durance until after nine o'clock at night, when a public proclamation was made at the Cross, engaging that they should not pursue any one for that day's work."

"Since they will be magistrates alone, let them rule alone," refers to the civic disputes which ran so high between the Merchants and Trades of Edinburgh during the reigns of Queen Mary and James VI. It was as a result of these disputes that the first Deacon-Convener or Convener of Trades was appointed in 1578, who has still a seat in the Town Council. As early as 1543 there had been serious quarrels between the Town Council and the Trades respecting the appointment of Magistrates. "On the 12th of August of that year the Town Council had passed a law infringing the rights of the Craftsmen. The Deacons of Trades were greatly incensed, and in the Council Chamber they drew their swords to manifest that they

the weakness of the tolbooth as a prison at this time, will help us to understand how well pleased the Magistrates must have been when, on April 11, 1562, a letter was presented to them from the Queen ordering that the notorious Friar Blaek, who was "haldin in warde within the tolbuith of Edinburgh for sic erimes eommitted by him," should be delivered "ineontinent" [immediately] "to the eapitane eonstabill and keiparis of our castell of Edinburgh, till be keipit thairintill *surelie*" until the time of his trial. We learn also the reasonableness of the entry of June 28th, when Jhonne Gordon of Fynlater was ordered "to be kepit [within the eounsalhous] be xij men dalie and nychtlie *vpoun his awin expenssis,*" and Maister James Ogilvy of Balfoure and James Ogilvy of Fynlater were "to be keipit in ward in the Ovir eounsale hous, sielike, *vpoun thair awin expens* quhill forther be knawin of the Quenys Maiestie's mynde." The watehing of important and influentially-eonneeted offenders was clearly not a light duty to undertake, and it was a stroke of genius to make them pay for the trouble they gave. This was the more reasonable as the Tolbooth of Edinburgh was used also as the general prison of the country for State offenders or others eommitted to ward by authority of the Privy Council.[1] From the Counеil Minutes for 18th Deeember 1578, we find this principle of general prison responsibility was carried so far that Lord Seton refused to receive a Crown prisoner of whom the Town Council desired to be relieved.

ITS LATER HISTORY.

The old Wardhouse or Prison passed through many vieissitudes between the end of the sixteenth century and its removal from the High Street in 1817. The buildings erected in 1610 and 1611 oeeupied only one-half of the site of the original Tolbooth. The part of the ancient edifice next St Giles' remained untouehed, and these modern additions had been incorporated with it. The High Street, in accordanee with the building customs of the time, was soon eneroaehed upon westward by the ereetion of booths against the western gable of the reeent addition, which were mainly oeeupied by members of the Goldsmiths' and Skinners' crafts. In 1632, it was proposed, as part of the scheme whieh included the erection of the present Parliament Hall, to build upon this part of the High Street a "Council House for the Lords of His Majesty's Council" and Rooms for the Exehequer, "to be extended in such length towards the west as the necessity of the work shall require, and that with all eonvenient diligence." No further progress was made with this section of the seheme, and the booths remained as they were until

considered themselves greatly injured, and that they were determined to have redress. The poor deacons were soon overcome. They were seized by an armed force and placed in prison." [Colston, "The Incorporated Trades of Edinburgh," p. xxxii.] These disputes were settled by the Decreet-Arbitral of King James VI. in 1583, which settled the Constitution of the Town Council of Edinburgh as it remained until 1833, except as it was modified by the Decreet-Arbitral of Lord Ilay in 1729-30.

[1] See for example, "Register of the Privy Council of Scotland," Vol. V., pp. 460, 478, 490; Vol. VI., pp. 47, 55.

INTERIOR OF THE HALL OF THE OLD TOLBOOTH.

"A PRISON IS A PLACE OF CARE
A PLACE WHERE NONE CAN THRIVE,
A TOUCHSTONE TRUE TO TRY A FRIEND,
A GRAVE FOR MEN ALIVE."

—(*From Inscription over Fireplace.*)

1678, when the Old Tolbooth was completed as it was known by Sir Walter Scott. It seems to have undergone repair in 1641, as a stone which bore on it the city arms, sculptured in high relief, and surmounted by an ornamental device of that date, was amongst several that were transferred after its demolition to the nursery grounds of Messrs Eagle & Henderson, in Leith Walk. In 1654 further repairs were made upon the Tolbooth as a Wardhouse, to provide accommodation for the prisoners of war during Cromwell's occupation of Scotland. They had been previously confined in the Low Parliament Hall, but it did "not give them content," and all but two had escaped. Repairs were found necessary again in 1662. In 1678 the booths at the west end had become ruinous, and permission was given to three Goldsmiths, Edward Cleghorn, James Cockburn, and John Borthwick (22nd February), to rebuild them in "asler" stone-work, and to occupy with the "forewall" a foot and a half further than the old timber side walls had extended. In the Minute of Council granting this permission the character of this latest extension is described with great minuteness. The goldsmiths named bound themselves to take down the five old timber shops that had formerly occupied the site. They were then to rebuild with stone work, as previously mentioned, two storeys high above the ground, upon the old foundations, except the said foot and a half added to the breadth, and to make the side walls and gables 15 inches thick. The whole was to be covered with lead, and the south corner of the south gable "pinned" to prevent interference with the lights of the tenement at the head of Beth's Wynd.

This practically finished the Tolbooth, as Sir Walter Scott saw it and described it in the "Heart of Midlothian": "Then you must have passed, occasionally at least, though probably not so faithfully as I am doomed to do, through a narrow intricate passage, leading out of the north-west corner of the Parliament Square, and passing by a high and antique building, with turrets and iron grates,

> "Making good the saying odd,
> Near the church and far from God."

It is described as having been of plain and rude workmanship. The division between the older portion at the eastern end and the addition of 1610-11 was clearly indicated on the outside both by a well-marked division in the wall and by the style of the masonry, for while the newer and western end was finished in rubble-work, the older part was built of ashler. The floors in the western half were also about two feet higher than those in the eastern. The only ornaments on the north side consisted of two dormer windows rising above the roof, with carved finials and the plain string-courses marking the several storeys. The south side had its baldness relieved by two towers, in which staircases were carried from the ground to the roof. The one doorway which gave access to the building was in the tower at the south-east corner nearest St Giles' Church. The building was not at any time a very secure place for the keep-

ing of prisoners, and only six years after it had received its final form, the Magistrates were prosecuted before the Privy Council for having allowed "Mr John Dick and several other prisoners to escape." The "late Provost," Sir James Fleming, reported to the Council on January 25th, 1684, how this had been effected "by cutteing the jests of ane rowme in the Tolbooth wher some of the saids prisoners were in, and entring doun through to ane other rowme, and in that room by cutting the iron stainchellis upon the north side of the Tolbuith opposite to my Lord Lithgow his stair foot." The Magistrates were acquitted by the Council, on the ground that the escape of the prisoners was not due to any fault of theirs, but the "late Provost" reported that the Privy Council had enjoined that certain repairs should be effected, and "2 sentinels to be set nightly at Lord Lithgow's stair foot, one at Bess Wynd head, and one at the west end of the Tolbooth nightly; and that one sentry should be at the Tolbooth gate in the day time." This was agreed to by the Council, and the night sentries were increased to six by the minute of April 23rd, by which also it was ordered that "the Gentleman's Chamber above the hall should be pavemented." In 1694, Mr David Meldrum, Minister, was appointed to preach to the prisoners in the Tolbooth at a salary of 500 merks yearly. We may infer from the minute of 29th October 1697 that the "spiritual" comfort of the inmates was more considered than the "temporal." "The same day the Council upon report of the Magistrates that there wes no conveniencie in the Tollbooth of Edinburgh for accomodating of women prisoners, except one large roume wherein women have their apartment who are imprisoned for whoredom and thifts, which apartment being divyded by a partition of stonework will accomodat the women prisoners for debt by themselves and these for thift and whooredom by themselves and therfore the Council grants warrand to the Treasurer to cause make a division of the said apartment of stonework accordingly." The "Lord Dean of Guild" of the time, who had been incarcerated in the Tolbooth, was released on September 16th, 1698, by order of the Council, upon a bond of caution. It was reported on December 22nd, 1714, that extensive repairs were necessary, "as also they find it necessary there should be an Iron Gad fixed the breadth of the room to which the robbers is to be chained by the feet and their hands behind their backs in the night time." A report "from the Committee anent in the Public Works" in March 1720, showed that the flooring of the upper stories of the "east end of the Tolbooth" was in a bad condition, and suggested the laying doun of "thwart joists" in each story to prevent "prisoners getting doun betwixt the joists" for the future; and the report "observed also that on the third story the prisoners had fire lying on few stones on the timber floor whereby the whole presin is endangered." In the next year, 1721, "the old theifs hall" was repaired to accommodate "the keeper of the city presin and his servants." The "thieves-

hole," as it had been known for two hundred years—the original prison of Edinburgh for petty offenders—was turned afterwards, as has been stated, into a shop.

Another epoch in the history of the Tolbooth was reached in 1785, more than a hundred years after the building had been completed as we see it in the modern prints, when the roof of the two-storeyed projection that had been built in 1678, was utilised as the place of public execution. The gibbet was removed hither from the Grassmarket, and in spite of a petition from the inhabitants of the Lawnmarket, a door was opened in the western wall of the Tolbooth itself, to give access from the prison to the low roof of the shops below. An Act of Council was passed on April 20th, 1785, "in order that Archd. Stewart, now under sentence of death, may be executed there in pursuance of his sentence," which "declared the west end of the Tolbooth to be the common place of execution now and in all time coming," and the Council authorised Deacon Hill to make a movable platform for the execution of criminals in terms of his estimate, not exceeding sixteen pounds sterling. The "platform" enjoyed even a shorter natural life than those for whom it was brought into requisition, as in 1797, the Council "authorised the third and fourth Baillies to get the platform at west end of the Prison put in proper repair." The Bailies were ordered at the same time to provide a dress for the "Dempster" or executioner.[1] In 1787 the City Guard was established in the shops of the north side of the Tolbooth, in consequence of the destruction of the old Guard-House in levelling and clearing the middle of the High Street. This was a return, in the closing days of the ancient edifice, to what had been the nightly practice in the latter half of the sixteenth century, of setting a watch in the Nether Tolbooth, which was supplemented at critical times in the same period by a watch of soldiers in the steeple of St Giles'. The celebrated philanthropist Howard had visited the Tolbooth in 1782, and had not been favourably impressed with the prison arrangements of Edinburgh, for, on a subsequent visit in 1787, he expressed great surprise that a new prison had not been built in its stead. It was possibly in consequence of his remonstrances that shortly afterwards the authorities roused themselves to action, for the necessity of some better provision had been long felt. In 1784 an arch of the North Bridge was ordered to be utilised for this purpose—"17 *Nov.* 1784.—The Magistrates are resolved to put the laws against beggars and vagrants vigorously in execution, and have provided a House of Correction for that purpose in one of the vaults below the Bridge over the North Loch"—but it would appear from the minutes of February 18th, 1789, that several years were allowed to elapse before the House of Correction was made habitable even for the class for whom it was intended—"There was produced in Council an Estimate by James Ranken wright as the expence of flooring the vault below the bridge for the reception of criminals amounting to £26, 10s. 6d. . . . Ordered the work to be executed,"—

THE GIBBET, 1785.

[1] Note III.

and it would seem that it was only in 1812 that this part of the bridge was formally authorized to be used as a regular prison.[1]

TOLBOOTH DEMOLISHED. 1817.

The foreshadowing of the end of the Tolbooth appears in the Council Minutes of 1791: "23 *Nov.*—The Lord Provost intimated that there would be no meeting of Council on Wednesday next, on account of the Magistrates and Councillors being to join the procession that day, for the purpose of laying the foundation stone of the Bridewell." This Bridewell was the predecessor of the extensive prison buildings which now exist on the Calton Hill, and was intended for petty offenders, the same class who formerly would have been given accommodation in the "Thieves' Hole." It was completed in 1795, from plans by the celebrated architect, Robert Adam. The foundation-stone of a general Felon's Prison was laid on September 19th, 1815, on ground alongside the Bridewell, and this was so far completed on September 15th, 1817, that at an early hour of that day twenty-five criminal prisoners were removed there from the Tolbooth and Lock-up-House. A portion of this Criminal Prison was reserved in the meantime for debtors, until a new Debtor's Prison should be built. Twelve debtors who were still confined in the Tolbooth were liberated through a subscription set on foot by one of the Bailies; and immediately afterwards, in this same month of September 1817, the demolition of the Tolbooth was begun. The gateway was secured by Sir Walter Scott, and re-erected, with the door and padlock, at Abbotsford, and many jokes were perpetrated upon it as one of the sham "antiquities" of the place. Sir Walter's faithful servant, Tom Purdie, objected strongly to building such an object into a house, since it had been "grippit ower often by the hangman." "Shirra," he said, "if ye will tak my advice, ye will jist pit that door where it will be an ootside yett to nae place in parteeklar. Ane might regret it very sair if onything was to happen to ony o' oor bairns."[2] And an "ootside yett to nae place in parteeklar" it was made, being hung in a wall at the top of a stair which leads from the upper grounds to the kitchen courtyard. The cage—the ancient "irne-hous"—was purchased by the authorities of Portobello, as sufficient in itself to form a prison for the town. The materials of the ancient building were sold for £280, and were carted away to be used in the construction of sewers and drains in and near Fettes Row—the "grave of the Old Tolbooth."[3]

ROMANCE OF THE TOLBOOTH.

The historic building, whose only memorial is the heart worked in the pavement at the north-west corner of the Church of St Giles, was a very home of romance in its association with noble and titled offenders and sufferers under law. The topmost pinnacle of its north gable was frequently ornamented during the sixteenth and seventeenth centuries with some grisly head, whose owner's fate was intended as a warning to all who should pass. There was no dearth of supply in those days; and a curious

[1] "18 *March* 1812.—Extract Act of Adjournal of the High Court of Justiciary, declaring the place fitted up below the south arch of the North Bridge a legal prison."

[2] J. C. & A. H. Dunlop, "The Book of Old Edinburgh," 1886, p. 99.

[3] Note IV.

entry in one of the old historians shows how necessary such a display was considered even in 1681. Three Covenanters had been executed, and their heads affixed to the West Port, but two of them were stolen in about a week. "The criminal lords, *to supply the want*, ordained two of their criminals' heads to be struck off, and to be affixed in their place." In 1514 the heads of Lord Home and his brother were stuck upon the Tolbooth, after their condemnation upon several extraordinary charges, amongst which was that of having caused the death of James IV., "who, by many witnesses, was proved to be alive, and seen to have come from the battle of Flowden." In 1581 the head of the Earl of Morton, who had been convicted for the murder of Darnley, "was sett upon a prick, on the highest stone of the gavell of the Tolbuith toward the publick street." Many other heads of inferior note occupied this point till 1650, when it received that of the ill-fated Marquis of Montrose, which remained exposed here throughout the whole period of the Commonwealth, and was succeeded in 1661 by the head of his enemy, the Marquis of Argyle—"his heid affixt upone the heid of the Tolbuith, quhair the Marques of Montrois wes affixit of befoir."

It was, however, a peculiarity of the Tolbooth, that nearly every prisoner of rank who was confined in it in its later days succeeded in making his escape. Full particulars will be found in Chambers's "Minor Antiquities of Edinburgh" of the adventure of the Master of Burleigh,[1] about the time of the Union, who was carried out of the Tolbooth in a large trunk, by a powerful porter *en route* for the Continent by way of Leith. By ill-luck, the porter slung the trunk on his back with Lord Burleigh's feet *uppermost*, and the unfortunate victim was compelled to endure the agony of this position until, at the Netherbow Port, an acquaintance invited his bearer to adjourn to a neighbouring tavern, and the latter forthwith tossed his Lordship down so violently that he screamed and fainted. He was brought back to his old quarters, but escaped shortly afterwards in his sister's clothes. The following extract from the Council Minutes of 4th January 1710, referring to this case, explains itself as an interesting unpublished historical document illustrative of how more than one escape was effected from the Old Tolbooth:—

THE MASTER OF BURLEIGH.

> "*Tolbooth, Edinburgh, 2nd Jany.* 1710.—The Judiciall Declaration of Mrs Margaret Balfour, daughter to the Lord Burghleigh, in relation to her brother the Master, his escape furth of prison on the first day of January instant.

"Mrs Margaret Balfour, daughter to the Lord Burghleigh, being examined by the Magistrats in relation to the Master of Burghleigh his escape out of prison on the first of January instant, judicially acknowledges that her mother sister and herself came to

[1] Chambers does not give his name. Grant, in "Old and New Edinburgh," calls him Robert, fourth Lord Burleigh, but throughout the Council Minutes he is referred to always as the "Master of Burleigh," that being his rank at the time.

the Tolbooth betwixt four and five in the afternoon, and Mr Forsyth one of the turnkeys and keeper of the outter gate allowed them to come in with their plaids on and never took them from them, but looked in their faces, and my Lady gave him half a crown at her incoming, as she usuall did, and thereafter mett with Walter Smith keeper of the Check Loek and of the roum where the Master stayed, who also gave them access by opening the Check Loek, and of the room where the Master stayed, who also gave them access by opening the Check Lock, But told my Lady, the Declarant and her sister, that the Master had given orders to him to let nobody in to him except my Lady his mother and sister, for through the want of rest for some nights before, a little indisposed him and so inclyned him to sleep, and my Lady being unwilling to knock at his door to disturb him, one of the women servants of the prison, called for the key of John Penmans roum, just next to the Masters, which was opened, and my Lady and her daughters went in to the said roum to stay till the Master should please to open the door, and the said Walter Smith went down stairs and locked the Check Loek, and immediately the declarant unloused her goun, petticoat, apron and head cloaths, and gave the signall to the Master to open the door (which was by her hoost) which he accordingly did by shutting the loek within, and the declarants sister drew the bolt in the outside of the door, out of its place, so the Master eame out and the declarant left her cloaths above written at the door, and then the declarant came into the Masters roum, and left him to be dressed by her sister in her eloaths, which when done they called for Walter Smith to let them out at the Check Lock, because they pretended they would not disturb the Master at that time, so that Walter Smith opened the Cheek Lock and allowed them to goe out, But before the deelarant's sister called for Walter Smith she bolted the Masters door in the inside, and endeavoured to lock the door in the inside conform to the Masters direetion, but cannot be positive if she got it done or not, considering the confusion she was then in, and declares that all this was done in a very little time, not above a quarter of an hour, and further deelares that the method of the Masters escape was not thought upon till the return of the express from the Queen came, whereby they saw there was no hopes of pardon or releiff, which was upon Friday last, and further deelares that upon the Lordsday in the morning she tried on her headcloaths on the Master to see how they would fitt him, and lastly deelares that neither the Goodman of the Tolbooth nor none of his under keepers or servants were practized or made privy to the Master his making the escape, and that after the ringing of the eight hour bell the keepers eame to the door where the declarant was, and knoeked at first softly, but thereafter knocked pretty rudely, craving to be in, but the bolt was still in the inside, and the declarant rose for fear the bolt had shuffled out by their knoeking and keeped the same in, and about an hour thereafter they came and broke up the door with forehammers, and the declarant kept hersclf closs that the more time might be eonsumed for the furtheranee of her brothers

escape, and acknowledges her Lady mother gave half a crown to Walter Smith, and another half crown to another of the servants, besides the half crown she gave to John Forsyth, and this is truth

Sic Subt Margaret Balfour.
Adam Broun, Baillie."

"After entry was got to the room, the Goodman and his servants found the Master was gone in his sister's cloaths and her in the room with his night gown upon her having nothing else upon her but a smoke petticoat and a vest coat."

Katherine Ogilvie.

Chambers gives also the particulars of the case of Katherine Nairne or Ogilvie in 1766, which aroused considerable attention from the Scottish public. She had poisoned her husband, and, along with her brother-in-law, who had been her associate in the crime, had been condemned to death, but escaped by assuming the character and dress of a nurse who attended her during her imprisonment. Her partner in guilt was hanged in the Grassmarket. Even more interesting is the use that was made of the Old Tolbooth by three offenders at least, who took refuge there so as to be safe from detection and punishment. This is said to have been done by Mitchell, a fanatic preacher, who shot the Bishop of Orkney in 1668, at the head of Blackfriars' Wynd, in an attempt to assassinate Archbishop Sharp. The City Gates were shut, and no one was allowed to escape without a passport signed by one of the magistrates, until a thorough search was made for the murderer. But Mitchell effected his escape by taking refuge in the Tolbooth, which was overlooked in the pursuit. A similar story is told of Robert Ferguson, known as "the Plotter," one of the conspirators involved in the Rye-House Plot, in the reign of Charles II. It was known that he was in Edinburgh, and the gates were closed till Ferguson should be run to earth; but he lay close in the Tolbooth, and withdrew quietly after the whole town had been searched for him in vain. And again, in 1746, the Highlands were scoured by agents of the Government, in search of a gentleman who had been concerned in the rebellion of 1745, but who was quietly resting all the time in "the King's Auld Tolbuith."[1]

Deacon Brodie.

Amongst other offenders confined in the Tolbooth was the notorious Deacon Brodie, celebrated for the ingenuity with which he combined a career of skilful house-breaking with a life of apparently exemplary respectability, and even outward piety. The Tolbooth itself was the scene of one of his burglaries, where he robbed the shop of Messrs Inglis & Horner—which was the larger one of the two on the north side[2]—of velvets and silks to the amount of £400 sterling. Mr Horner was father of Francis

[1] Lord Cockburn tells a story somewhat similar to these in his "Journal": "There was an Alloa culprit who was thought to be too powerful for the gaol of that place. So they hired a chase, and sent officers with him to the gaol of Kinross, where he was lodged. But before the horses were fed for their return he broke out . . . He waited till the officers set off, and then, without their knowing it, returned to Alloa, on the back of the chaise that had taken him to Kinross with them in it."—Vol. I., p. 174.

[2] These shops were converted about 1787 into a guard-house for the City-guard.

Horner, M.P., one of the founders of the *Edinburgh Review*. Brodie is said to have invented the *drop* as an improvement on the old form of execution by hanging from a ladder, and to have been himself the first to prove its excellence.

Walter Scott of Raeburn

The great-great-grandfather of Sir Walter Scott, Walter Scott of Raeburn, was confined here in 1666. He had become a convert to the views of the Society of Friends or Quakers, recently founded by George Fox, who had made an expedition into the south of Scotland in 1657, and had apparently secured many followers. In despair of securing Raeburn's recantation, "being now in the Tolbooth of Edinburgh, where he daily converses with all the Quakers who are prisoners there, and others who daily resort to them, whereby he is hardened in his pernitious opinions and principles, without all hope of recovery," the Privy Council ordered him to be removed to the prison of Jedburgh, "where his friends and others may have occasion to convert him." The old building had thus a personal as well as an antiquarian interest for Sir Walter.

Effie Deans.

But the real heroine of the Tolbooth is Effie Deans, whose name, with that of Captain Porteous, is well-known to all from the pages of the Wizard of the North. We need not repeat the story of the Lily of St Leonard's, and of her sister Jeanie and the Laird of Dumbiedykes, and "douce Davie Deans" her father: the "Heart of Midlothian" has given them imperishable life. Every one who is interested in the legends of Edinburgh has felt the charm of a glamour stronger even than fact by which Sir Walter Scott has interwoven their fates with the history of the Tolbooth; every one has read, and can read there again, the narrative of the attack upon the Tolbooth in 1736 by the mysterious Porteous mob, the burning of its outer door when the iron-studded oak and the iron bars that guarded the gaol refused to yield to force, the snatching of Captain Porteous from the hole by which he had vainly hoped to escape, and the hurrying of the victim to his doom. It is part of the history of Edinburgh and of Scotland at the time. Sir Walter lit up the events of 1736 by the riches of his fancy; we have endeavoured to plod through the centuries in the dimmer and less dazzling light of every-day common-place, searching with difficulty for the foundations on which fancy may build. We have given in unadorned simplicity the record wished for by "Mr Hardie," in whom one can easily identify the great novelist himself; we supply the bones that imagination may clothe at will. "As to the old and condemned Tolbooth, what pity the same honour cannot be done to it as has been done to many of its inmates. Why should not the Tolbooth have its 'Last Speech, Confession, and Dying Words'? The old stones would be just as conscious of the honour as many a poor devil who has dangled like a tassel at the west end of it while the hawkers were shouting a confession the culprit had never heard of." [1]

[1] "The Heart of Midlothian," Chapter I.

NOTES ON THE OLD TOLBOOTH.

I.

Page 9.—1501.—The best authorities agree that the oldest portion of Holyrood Palace now extant, which is usually assigned to the reign of James V., was built about this same year, 1501.

II.

Page 13.—Trial of Lord Drummond in the Tolbooth in 1490.—The following extract from one of the Protocol Books shows, in addition, that the King's Courts in general sat in the Tolbooth at this early period :—

"1501. *October* 20.—William Vaich of the Kingisside compeared personally, and entered himself in the Tolbooth (pretorio) of the burgh of Edinburgh, asserting that the present day was assigned to him for his compearance and entry before the justiciar of our sovereign lord the King, to underlie the law for the slaughter of Gwido Ewart ; and that as neither the lord justiciar nor any one as his depute, nor the party of the action against him, was present, and he was offering himself ready to underlie the law in the premises, he protested that his surety, John Murray of Affelokhil, should henceforth be indemnified and skaithless of his pledge : Witnesses—George Touris provost of Edinburgh, John Bissat, William Goldsmyth, bailies, William Todrik, and Alexander Finlaw."—[Protocol Book of John Foular, notary, No. 1 fol. 16, from old MSS. in the Council Chambers.]

III.

Page 31.—The "Dempster" or Executioner.—Sir Walter Scott gives an account of the functions of the "doomster, or dempster, of Court," in Note T to the "Heart of Midlothian." Readers of the novel itself will remember the graphic description given of the "Doomster" himself, when he appeared in answer to the command of the judge to read the sentence pronounced on Effie Deans. "When the Doomster shewed himself—a tall, haggard figure, arrayed in a fantastic garment of black and grey, passmented with silver lace—all fell back with a sort of instinctive horror, and made wide way for him to approach the foot of the table. As this office was held by the common executioner, men shouldered each other backward to avoid even the touch of his garment, and some were seen to brush their own clothes, which had accidentally become subject to such contamination" [Chapter XXIV.]. The following is the portion of Note T that bears upon the subject :—"The name of this officer is equivalent to the pronouncer of doom, or sentence. In this comprehensive sense, the Judges of the Isle of Man were called Dempsters. But in Scotland the word was long restricted to the designation of an official person, whose duty it was to recite the sentence after it had been pronounced by the Court, and recorded by the Clerk ; on which occasion the Dempster legalized it by the words of form—'*And this I pronounce for doom.*' For a length of years the office, as mentioned in the text, was held *in commendam* with that of the executioner ; for when this odious, but necessary, officer of justice received his appointment, he petitioned the Court of Justiciary to be received as their Dempster, which was granted as a matter of course. . . . The sentence is now read over by the clerk of court, and the formality of pronouncing doom is altogether omitted."

IV.

Page 33.—The End of the Tolbooth.—The following extract from the Town Council Records of 30th March 1808 gives an official report on the condition of the Old Tolbooth in its latest period :—

"Report on the state of the Jail subscribed by Mr Robert Reid, Architect, of the following tenor :—

"*Edinburgh, 29th March* 1808.—At the request of the Right Hon. the Lord Provost and Magistrates I have inspected the Gaol in this city, and being desired by them to state its present extent and situation, I beg leave to report thereon, as follows :—

"The Criminal and Debtors Gaol is contained in a building about 62 feet long and 33 feet wide, over walls, and consists of four flats or storeys.

"The first floor of the building is entered by a small circular staircase leading up from the public street. This floor consists of a common hall, 20 feet by 19 feet and 13 feet high, entering immediately out of the staircase. From this hall access is had to the other apartments on the same floor, and which consist of a room used as a taproom 15 feet by 13 feet, with a cellar of the same size as the taproom, and another apartment usually occupied by part of the female prisoners 15 feet by 13 feet, all of which are only 9 feet high in the ceiling.

"The second floor is entered by two small staircases leading up from the first floor, and consists of five apartments, one of them 26 feet 6 inches by 19 feet and 9 feet high; three of them 15 feet by 13 feet each and 8 feet 4 inches high; the other one is 13 feet by 12 feet and also 8 feet 4 inches high.

"The third floor consists likewise of five apartments of the same dimensions as those mentioned in the second floor, but are only 7 feet 9 inches in height.

"The fourth or garret floor contains four apartments, two of them 28 feet by 15 feet each, another one 15 feet by 12 feet, and the fourth 19 feet by 11 feet. These apartments have all ceilings sloping with the rise of the roof, some of them are only 5 feet 6 inches high in the side walls and 7 feet 6 inches high in the center.

"With regard to the general state of the building, it is in many places much decayed and very insufficient both in the wall and roof, and notwithstanding frequent repairs it is in some respects worn out to a degree which renders it very unsafe, and from this circumstance means for securing the prisoners are necessarily adopted which in a proper Gaol would not be requisite. The floors are many of them timber and supported by wooden joists; these are in a state of decay, and in the event of fire must be attended with consequences fatal to the building and its inhabitants; the whole is extremely ill adapted to the purposes for which it is now used, and is totally incapable by any alteration or repair of being rendered sufficient or in any degree commodious as a Gaol. Indeed the distribution of the apartments is such as to exhibit the very reverse of what a place of confinement should be. Several of the apartments enter through each other, and prisoners of both sexes and of all classes and descriptions have communication together without the possibility of being separated; the convicted and unconvicted must unavoidably associate together, and debtors mix with the lowest criminals. The Gaol is on all sides open to the public street, which renders communication from the opposite houses and even from the street with the prisoners easy, and is favourable to their escape. In short, it is difficult to conceive a building both from situation and internal construction so totally at variance with every principle on which a Gaol should be constructed and regulated with regard either to the health, morals, or security of the prisoners."

(Signed) "Robt. Reid, *Architect.*"

ST GILES' AND THE NEW TOLBOOTH.

ST GILES' AND THE NEW TOLBOOTH.

I. ST GILES'.

ST GILES' A "TOLBOOTH."

THE history of the Municipal Buildings of Edinburgh for the seventy years or more that followed the condemnation of the Old Tolbooth in 1560 is in many respects very confused and perplexing. The former municipal buildings were unfit for the many legal and civic purposes that they were called upon to serve, and the new buildings that were erected on a site a little to the south were not completed until 1564. In the meantime accommodation was found in the Church of St Giles' both for the Town Council and the Court of Session; and when the sacred building had once been turned to secular uses, it was only after a long interval that it was finally restored to its functions as a place of worship. For many years after 1563 the portion of the church that had been fitted up as a "tolbooth" formed practically one building with the edifice that had been erected at its south-west corner; with which it was connected by a doorway that led from the upper portion of the "tolbooth" within the church to the second storey of the "New Tolbooth" or "Council House," as it was called, outside. In consequence of this combined use, it is often difficult and sometimes impossible to decide whether some of the events narrated as having occurred in the "tolbooth" took place in the Church or in the Council House, both buildings being referred to at different times by the familiar name "Tolbooth."

"PROFANATION" OF CHURCHES.

We need not be astonished at this apparent desecration of the Town Church. Even before the Reformation, so long as the chancels or chapels in which the sacred rites were performed were kept free from profanation, a degree of licence was permitted regarding the other parts of the buildings that seems very much at variance with our modern ideas of reverence. "The naves of churches in pre-Reformation times were places where tradesmen assembled for bargain and barter, where lawyers had interviews with their clients, where owners of property deposited their goods, and where divers courts of justice were held."[1] Henry VIII. issued an injunction that no person should abuse the churches either by eating, drinking, buying, selling, playing, dancing, or with other profane and worldly matters, but the prohibition seems to have been practically

[1] "Church Folklore," Vaux, p. 2.

still-born. It was one of the charges made by the Puritans against Laud that he forbade the justices of the peace to hold their court in the church at Tewkesbury because it was consecrated ground.[1] We sometimes think in Scotland that it is in Scotland especially that churches have been ill-treated and desecrated; and it is refreshing to read. in view of the history of St Giles' and our churches generally, that during the period of the Commonwealth the east end of St Paul's Cathedral in London was walled in for a Puritan lecturer, that the graves were deseerated, that the choir became a cavalry barracks, and that the portico was let out to sempsters and hueksters, who lodged in rooms above.[2] Nor was this "secularisation" confined to revolutionary times alone. In the reign of Charles II. the nave of St Paul's was a common place of resort for business and pleasure, and at a eertain hour of the day was used as the fashionable promenade, or Hyde Park parade of the time. Sueh incidents as these explain the statement in the following description of similar incidents in connection with the history of St Giles' both before and after the Reformation, and show that in dealing with their Chureh as they did after 1560, the civie authorities of Edinburgh were acting only on grounds of public advantage that were admitted, at least in principle, universally at that time. "That portion of the ehurch which eontained those monuments [the tombs of the Earl of Moray and the Earl of Atholl] was approached by a door from the Parliament Close, which was never elosed, so that the Regent's Aisle was, like Old St Paul's, a public promenade, and a eommon plaee for appointments. It is alluded to in Sempill's satirieal poem "The Banishment of Poverty," as a eonvenient lounge for idlers, where he humorously deseribes the repast provided for him by the Genius of Poverty—

> "Then I knew no way how to fen;
> My guts rumbled like a hurle-barrow;
> I dined with saints and noblemen,
> Ev'n sweet Saint Giles and Earl of Murray."

It probably originated no less in the veneration with which "The Good Regent" was regarded than in the eonvenience of the place, that it was a common occurrence to make bills payable at "the Earl of Murray's Tomb," and to fix on it as the plaee of assignation for those who proposed entering on any mutual contract. Sueh a custom is one of long standing. A remarkable charter of James II. in 1452, entailing the lands of Barntoun on George, Earl of Caithness, and his heirs and assigns, and his natural daughter, has this proviso, that he, or his assigns, should eause to be paid to his bastard daughter, Janet, on a particular day, between the rising and setting of the sun, in the Parish Church of St Giles, in his Burgh of Edinburgh, upon the high altar of the same, three hundred marks, usual money. The good Regent's tomb appears to

[1] "Church Folklore," Vaux, p. 4.
[2] "Old and New London," Cassell, I. 246, 248.

have taken the place of the high altar, in later times, for secular uses. Among the Closeburn papers in the possession of Mr C. K. Sharpe was a contract by his ancestor, Sir Thomas Kirkpatrick, entered into in the reign of Charles I., for a considerable sum of money, which it makes payable at Earl Murray's Tomb."[1]

The Church of St Giles was rebuilt in 1387 and the following years, principally 1560.
at the expense of the town. Successive chapels were added by beneficent and wealthy donors, whether laymen or corporations, but the erection and maintenance of the edifice were regarded by the inhabitants of Edinburgh as obvious public duties. Hence, when the Council of the Burgh found themselves, immediately after the Reformation, in need of new premises for the accommodation that they were bound to provide for the Royal Courts of Justice and their own wants, and the empty ecclesiastical building that they had now upon their hands offered plenty of space that might usefully be employed as a prison and a school, and save them the twenty marks a year that the Town Clerk's office cost them for rent,—in a fit of almost nineteenth century utilitarian wisdom, they decided to take advantage of the favourable chance. Partition walls were ordered to be built at each end, and the eastern part made into a school, whilst the western, occupying about three bays of the nave, was to be the Tolbooth. The reasons for these changes are given in the following Minute of Council, of date 19*th June* 1560. — "The Prowest, Baillies, Dene of Gyld, Thesaurare (Council and Deacons of Crafts), haifand considderatioun of the gret inquietatioun that thai haif had in times past within the Tolbuith of this burgh, for laik of rowme to minister justice and to do thair other effaris at all sic tymes quhen the sessioun did sit, or quhen other courts and convocations ware in the same, and alssua considering the skant of prisoun houssis and incommoditie of thair clerkis chalmer, and for inhalding of the yearlie maill of the samyn and other gret sowmes of money disbursit be thame for thair scole, haiffing mair commodious place and sic rowmes within thair Kirk as may be ane fair Tolbuithe for serving of the toun in thair effairis, and of all other necessar rowmes upoun the west pairt of thair said Kirk and sic lyke upoun the est pairt of the samyn ane other convenient rowme for ane scole to thair bairnis, besyde sufficient rowme for the preiching and ministratioun of the sacramentis; thairfoir, and for diveris otheris reasonable causis moving thame, all in ane voice concludis, discernis and ordanis James Barroun, dene of Gild, with all diligence to repair and big up ane stane wall; viz., ane parpall wall of (blank) fute thyk, beginand (at) the southe kirk dur callit the kirk yarde dur and streicht north to the north kirk dur at the stynkand style for the said Tolbuyth;

[1] Sir Daniel Wilson, "Memorials of Edinburgh," 1891, Vol. II., pp. 233, 234. In a Contract, dated 29th April 1593, between Hugh, Lord Somerville, and his second son Hugh, relative to the lands of Gilmoretoune, &c., is contained an obligation upon certain events for "the sonme of four thousand merks money of this realme, to be payed within Saint Geilles Kirk in Edinburgh," and in case of refusal "to be consigned in the hands of the theasurer or Dean of Gild of Edinburgh for the tyme." *See* "Memorie of the Somerville's," Vol. II., page 15.

and upon the eist end of the said kirk ane uther parpall wall of the same thiknes, beginnand at the eist cheik of the kirk dur at our Lady steppis, and swa in langis the breid of the said kirk be just lyne to the south sydwall of the samyn for thair schule; and that the said James furnesche, big and sett up all thingis necessar for the said schule, towbuyth, prisoun hous, elerkis chalmer, and all other neeessaris within the samyn."

Notwithstanding the "gret inquietatioun" professed by the Counеil progress seems to have been slow in this matter, and on February 7th of the next year renewed instructions were given to the Dean of Guild to finish the works at the west end. It would seem that the school which had been ordered to be established in the east end was abandoned. "*7th February* 1560.—The Prouest, Baillies and eounsale foresaid ordanis maister James Watsoun, dene of Gild, with all deligenee to begyn and compleit the stane gavill ordanit of before at the west end of Sanet Gelis Kirk within the west gavill of the samyn, conforme to the said ordinanee; and sielike to proeeed in the other neeessar warkis within the said kirk." Some little progress had been made by May, when [May 2, 1561] the Bailies and Council "ordain Mr James Watson, Dean of Guild, who presently has the Kirk work in hands, of all such timber losit or to be losit as the said Mr James shall think good and meet for his said work, and that he be served thereof before others." The Royal letter of February 10th, 1561-2 eame just a year later to hasten matters, and a fortnight afterwards definite orders and the sum of 600 marks were given to David Somer, who had been appointed master of works, to take down the old Tolbooth, and build this new one inside the Chureh—"the uther tolbuth to be maid in the west end of the kirke for the lordis of sessioun, and gyf the timmer of the auld tolbuth will serve to the wark of the said new tolbuth the said maister of wark to aply the samyn as will serve." It would seem as if still there might have been delay, possibly from scarcity of money, when we meet the following emphatic entry :—"11 *April* 1562.—The provest, baillies and counsale, being informy^{t} that the lordis of sessioun war of mynde to rais the sait and remove to Sanet androis [St Andrews] in default of ane hous heir. . . . Wherefore they yet as before ordain David Somer, master of work, with all diligence possible to 'end furth' the House in the west end of the Kirk ordained for the said Lords, and take the readiest timber, stones, and other gear neeessary of the Old Tolbooth and apply to the said new work; and if sufficient timber cannot be had there, that the said Bailies search and seek through all the Town where any sufficient timber may be had, and, priee being made with the owners, deliver the same to the said master of work for the eause foresaid; and likewise ordain Alex. Guthrie, Dean of Guild, to deliver the whole and readiest 'daills' he has of the good Town's, to be flooring to the said new work."

A passage from the unpublished Minutes of the period [April 22, 1562] shows

the Council in an economical mood, and proves that at this period the newly-separated west end of the church was called the Tolbooth. It is marked off distinctly from "the rest of the said Kirk." "Ordain David Somer, master of works, to deliver to Alex^r. Guthrie, Dean of Guild, the whole Slates taken off the Old Tolbooth, or so many thereof as he 'mysteris,' [needs] for the theiking, mending, and making of the Kirk water tight; and also with all possible diligence to take the Slates off the Vaults of the New Tolbooth, 'thik' and slate the same anew sufficiently, so that there shall be no rain within the said Tolbooth. And further to make the rest of the said Kirk water tight; and mend the rest of the necessaries thereof; and the expenses, &c., shall be allowed." It is curious that the people of Edinburgh have thus to thank the peremptory demands of the Judges and the impoverishment of the City Treasury at a time when new public buildings were required, for the preservation of their historic Church from the danger of the fate that befell so many other such structures in the upheaval of the Reformation. Glasgow Cathedral was saved by the devotion of the apprentices of the city; St Giles' by the necessity for a Tolbooth, prison, and school.

Through the courtesy of Mr Adam, the City Chamberlain, we are enabled to give some quotations from the Town Treasurer's Accounts for 1561-62 that refer to the fitting-up of St Giles' Church as a Tolbooth or Court of Justice. One entry particularises the payment of five shillings to two workmen who carried "tymmer in the Kirk at the command of provost, baillies, and counsall to be saitts to the lordis or the towne to minister justice for the default of the Tolbuith." A payment of eighteen pence was made "for bering of furnes to the bischoppe of Morray's ludgyn at the command of the provost, baillies, and counsall quhen the Lords of the Session sat ther." This entry shows that the judges had held their sittings at the Bishop of Moray's house until St Giles' should be prepared for their reception. An entry on another page gives "the expenses for making of stullis and saitts to the Lords in the Kirk," and an "item" of thirty-six shillings "for bering of the tymmer furth of the Cardniles ludgyn to the Kirk and transleting of the tymmer that was in the Nether Tolbuith." Again a man was paid seven shillings "for walking and keiping of the Kirk the samyn oulk [week]," and later still we meet for the first time with references to "ower Tolbuith" and "utter houss" and "nether houss," which in the Council Minutes become so perplexing, but which from the context here must be interpreted, so far at least as "ower Tolbuith" is concerned, of the Tolbooth within the Church.

COURTS IN THE HOLY BLOOD AISLE.

But even before the Judges had threatened to remove to St Andrews, temporary accommodation must have been provided within the Church of St Giles for the Court of Session. In the trial of "Mr Adam Colquhame, convicted of art and part of the treasonable slaughter and murder of umq^le Robert Rankin," the sederunt of the Court

is dated 16th March 1561-2, "In Insula, vocat. Halie-Blude Iill, loco pretorii de Ed^{r}." It is not yet clearly identified what is meant by the Holy Blood Aisle in different periods of the history of St Giles, and it is quite possible that it may mean in this extract the same as the Holy Blood Aisle of Roman times, which was a chapel built about 1518 between the old south porch and the eastern transept, of which the greater portion was destroyed in 1829; as it is also probable that the expression refers only to the southern corner of that west end which was ordered to be partitioned off in 1560.[1] The expression "Holy Blood Ile" did not mean quite the same as this in 1658, when it is twice referred to by name in the Council Minutes. "10*th March* 1658.—Appoint the Bailies, &c., to agree with John Milne for taking down the north wall of the Holy blood Ile in the south side of the Mid-Kirk and to extend the same further northwards to the next pillar of the Kirk for making up a Convening House for the Synods and General Assemblies of the Church of this nation." "*9th April* 1658.—Appoint the Bailies, &c., to agree with John Scott for repairing the Ile of the Mid-Kirk appointed to be a Convening House for General Assemblies and Synods, and putting therein such Seats and Tables as shall be found necessary for such Assemblies." The Town Council also held its meetings in the Holy Blood Aisle during the building of the New Tolbooth, and the General Assembly and Synods, which in the eighteenth and early part of the nineteenth centuries met in the Preston Aisle, used this same Holy Blood Aisle for their deliberations during at least part of the sixteenth and seventeenth, as is mentioned in the preceding extracts.

Town Council and General Assembly.

Courts of Justice in the Tolbooth Kirk, 1577.

Long, too, after the New Tolbooth was finished, we find the Courts of Justice sitting in St Giles', so that Chambers states as "an incontestable fact" that during the reign of James VI. and Charles I. that supreme judicature sat in the place latterly called the Tolbooth Kirk. It was a Tolbooth before it was a Kirk, for it was only in 1572 that Knox began to preach in it, and it had then been recently fitted up for him. The author of the "Memorie of the Somervills," who wrote in the reign of Charles II., apparently with good information, in relating a story respecting a law plea in which, in 1577, the interest of the Regent Morton was rather oddly employed, says—"About ten a clock, the regent went to the house, [that is, the meeting-place of the Court of Session] which was the same which is now the Tolbuith Church, in coach." More than twenty years later, Birrel states in his Diary, under date November 1598, "The first of No^{r}., the tolbuith alterit; and upon the 4 day, being the Sabbathe, ther was preiching in it, and baptisme; the same alteration was alterit to the former estait in fyve zeir after." It is the history of this "alteration" that we find told in the Council Minutes for 1597 and 1598. An Act of Parliament had been obtained, as we have seen already, in 1593 for the reconstruction of the Old Tolbooth, and in connection with the accommodation for the Courts of Justice that was to be provided therein, it was

1598.

[1] See Note, page 69.

decided to drop a project for building a kirk in the Kirk of Field, "and to enter to the work of the building of the Tolbooth where it was of old, and the Lords' and Justices' Tolbooth in the west end of the kirk to be converted into a church, and both these works to go forward at once." In 1598 it was agreed that a "parpell" wall between the High Kirk and the Outer Tolbooth should be taken down and re-erected further east, that the space occupied by the Tolbooth might serve more conveniently for an "interim" church for the south-west quarter. The roof of the church was found at the same time to be very faulty, and instructions were given for its repair. Later in the same year, a proposal was made to remove the "lofting," which stood in this part of the church, and formed what is spoken of as the "Outer Tolbooth"; but from this the Provost dissented, on the ground that the permission of the Judges had not been obtained. Permission was granted afterwards, and the alterations were effected at a cost, as stated on December 1st, 1598, of £671, 15s. 8d.

It was not long, however, before the "lofting" was restored. The re-building of the Old Tolbooth had proved a very slow work, and in February 1600 orders were given to provide accommodation for the Courts of Justice inside the church in "ane new Tolbooth biggit for administration of justice above the waster kirk of this burgh." It would seem doubtful, indeed, whether the old "lofting" had been removed in the alterations of 1598, as on November 5th, 1600, "Wm. Maule, last Bailie, presented a warrant directed by the King's Majesty to the Provost and Bailies for removing of the lofts in the West Kirk, and for repairing the same to be ane tolbooth as it was of old." Be that as it may, the "Tolbooth" was prepared in 1601,[1] but only at last under a threat from the Judges of the "pain of horning"; and the entries in this regard cease with that of May 15th, when the Council "ordained Patrick Eleis, Treasurer, to have allowed in his accounts the sum of £35, 9s. 4d. debursed by him for the disione [déjeuner] to the Provost and certain Lords of the Session at the devising of the Bars of the Over Tolbooth." The Minute of June 8th, 1610, refers undoubtedly to this Tolbooth within the church as the "Outer House of the Lords' Tolbooth"; and the "Inner House of the said Tolbooth" must be explained as the portion of the building outside the church that was reserved for the use of the Courts of Justice, and formed practically one building with the church, whose western wall was the partition wall between the two. The Minute runs as follows—"Ordain that Thomas Speir, Treasurer, shall have allowed in his accounts the sum of £189, 11s. for the expenses made by him upon the Green Cloth put up by him at the command of the Council, and of the Lords of Session in the Outer House of the Lords' Tolbooth with the King's Majesty's Arms, together with the sum of £114, 3s. 4d. for the expense to the wrights, painters, and others

[1] "At yis tyme, the tolbuith alterit againe." Birrel's Diary, May 1601.

upon the Green Velvet Cloth with the King's Majesty's Arms come from London affixed in the Inner House of the said Tolbooth, conform to his accounts given in thereupon.

1612. Two years after this setting up of the Royal Arms in 1610, considerable alterations were again made in St Giles' for the accommodation of the Courts. The references again are somewhat puzzling. It seems clear enough that in 1601, the floor of the church was utilised for the purposes of a place of worship, and that the "tolbooth" was an upper storey above this. But, on December 30, 1612, the Council appointed James Nesbit, Joseph Marjoribanks, Bailies, the Dean of Guild, and others, "to convene and consult for the manner of bigging the Wester Kirk Rufe, and ane Tolbuith above the same," and to report to the Council. On January 1st, 1613, they repeated the order in almost the same words, "to meet, reason, confer, and mak their best overtures for reparatioun of the kirk rwif or bigging ane Tolbuith thairin." As usual, the Committee appointed took a considerable time in arriving at a conclusion, but on November 26th, 1613, definite orders were given in the following terms to the Dean of Guild, within whose province it fell to do whatever came under the head "Kirk Work":—"The Bailies, Dean of Guild, and Deacons of Crafts, after long reasoning, find it most expedient, That there be 'ane Tolbuith biggett and rayset vpoun the present Tolbuith in the west end of thair Hie Kirk'; and also that the roof of the 'haill kirk' be sufficiently repaired with convenient diligence, and appoint Robert Dowgall, Bailie, David Aikinheid, Dean of Guild, John Byers, Treasurer, and others, to consult upon the manner and necessaries for reparation of the said Kirk roof; and ordain the said Dean of Guild to take such timber as may be had for the readiest performing of the said work." On January 12th, 1614, it was found "expedient that said kirk roof be repaired with slates and timber either red fir or oak," and after another fortnight's consideration, they settled finally that the wood should be "red fir." About fourteen years or thereabout afterwards, the exact date is not given, we have a description of St Giles' as it was seen by Father Alexander Baillie, of the Order of St Benedict, which shows us the western portion of the church divided into a "tolbooth" of two storeys, as contemplated by the Minutes of December 1612 and January and November 1613. The place of worship had disappeared, and there was nothing but the accommodation for the various Courts of Justice that had been shifted about so often since 1560. Baillie's words are as follows:—"turning him furthe towards the west end of the Church, which is divided in a high house for the College of Justice, called the session or senat-house, and a low house called the low Tolbooth, where the baillies of the toune used to sit and judge common actions and pleas in the one end thereof, and a number of harlots and scolds for flyting and whoredom inclosed in the other."[1]

[1] Quoted by Dr Laing in his introduction to his volume of "Charters of St Giles," published by the Bannatyne Club.

PARLIAMENT HOUSE TO RELIEVE THE CHURCH OF THE COURTS.

If any further proof were needed that St Giles' Church was used for, amongst other municipal purposes, that of a meeting-place for the Court of Session before the erection of the new Parliament Hall, it is afforded by the Minutes of the Town Council relative to the erection of this latter building. We find the reason for this given 13 March 1632: "The which day Alexr. Clerk, of Stentoun, Provost, William Dick and other Bailies, together with Joseph Marjoribanks, Dean of Guild, Wm. Gray, Treasurer, and Deacons of Crafts, with sundry others, including a great number of the honest neighbours of said burgh being convened, and regretting that a part of their great Church, which was appointed for Divine Services, should be applied to seeular uses, and withal considering that the laek of eonvenient and fit Rooms within the burgh for Keeping of Parliament, Session, and Council House, and other publie meetings, may procure the same to be abstracted forth of this burgh to the great loss and prejudice of the whole inhabitants of all degrees. For remeid whereof it is thought fit and expedient that there be builded and erected such spacious and neeessary houses within the burgh . . . as may with credit and eonvenience befit the honour of the High Estates of Justice within this Kingdom." This is repeated in similar words on 27th June, "for appropriating of that part of the Chureh (now employed to seeular uses) to that use whereunto it was first dedicated, and for the further flourishing of the burgh," and it is upon this deeision of the citizens that Row bases the following statement in his "History of the Kirk of Scotland,"—"1633.—In the month of August this year, the town of Edinburgh, being earnestly desired by their ministers to provide another house for a Parliament House, and wherein actions may be pleaded, [rather] than a pairt of the Kirk, where God's word should be preaehed, and which should be a house of prayer, began and founded a fair house for the uses aforesaid."

ST GILES' A CATHEDRAL CHURCH, 1633.

Two months later than this date given by Row, the king interposed his authority in addition to the petition of the clergy, and issued a Royal Letter from Whitehall [October 11th, 1633] commanding the Town Council to prepare St Giles' as the Cathedral Chureh of the newly-erected Diocese of Edinburgh, by the removal of the east and west partition walls. He commanded the Council also to finish the "New Tolbooth,"—which means what we call now the Parliament House,—before Lammas, so that it might be ready for the sittings of the civil and eeclesiastieal courts. Orders were given at once to demolish the east wall, but representations were made to the king that it was neeessary that the west wall should be retained. Charles consented to this in so far that the west wall was to be allowed to remain until the last day of October 1635, by which time he expected that the Parliament House would be finished; although, as a matter of fact, the Parliament House was not completed until five years afterwards, and the wall remained eventually untouched. In 1642, the west end of the Church appears again as the Low Tolbooth, and a municipal building for all purposes. "26 *Jan.* 1642.—The same day the Council

having appointed to prepare the west part of St Giles' Church for a Church: Therefore ordains the Dean of Guild to transport all the armour presently in the laich Tolbooth and under the Parliament House, to that House where the Exchequer did sit of before; whereanent these presents shall be his warrant." We know that the Exchequer sat in the New Tolbooth erected in 1564 at the south-west corner of the Church;[1] and to this the "armour" was to be removed from the Laich Tolbooth and Parliament House in St Giles', when the Church was to be restored to religious uses consequent on the building of the new Parliament Hall. It was not forgotten, however, that St Giles' had been for so long the home of the Courts of Justice, and when in 1679 the town of Edinburgh was called upon, as usual, to provide accommodation for the newly remodelled Court of Justiciary, the Judges again looked to the west end of the Church for a solution of the difficulty; but on the remonstrance of the Provost, the Upper Hall of the New Tolbooth was accepted instead. The history of this proposal is given in brief in the following Minute:—"Order Treasurer to repair the High Council House for a Criminal Court. *Edinburgh Council Records, Vol.* 29, *fol.* 123.—*7th February* 1679.—The Council considering the report made by the Lord Provost, bearing that the Lords of Justiciary have been pressing upon his Lordship, That the west part of St Giles' Kirk, which is now waste, might be made a fit House wherein the Criminal Court may hold when occasion serveth, and that his Lordship had held forth several reasons to the said Lords why the same could not be done, and had signified to them that the Room above the Laigh Council House, which was the Old Exchequer House, would be fit for the said Lords, wherein they might hold the said Court, if it were repaired for that end, and his Lordship having promised in name of the Council that it would be repaired for that effect, they were satisfied therewith. The Council, therefore, in order to the repairing of the said House for the Criminal Court, do by these presents appoint the Town Treasurer with all possible diligence to cause repair the said High Council House and make the same a fit Room for the Criminal Court."

1685. The exclusion of the Courts of Justice from St Giles' proved in the end to be only temporary. The western portion of St Giles' had been again converted into a church, and was enlarged in 1685 on the complaint of the Lords of Parliament "that there is a necessity that the middle wall therein be taken down that the Kirk may be enlarged thereby as it was formerly." This "middle wall" was a partition that had been erected in 1656, when the Tolbooth Church was divided into two churches,[2] of which one retained the original name "Tolbooth," and the second became known as Haddo's Hole Kirk,[3] from the prison of that name which was situated in a room above the north

[1] See Minute following, February 7th, 1679.

[2] Nicoll records in his Diary, under the year 1656, that the westmost Kirk was completed on the last Sunday of April.

[3] See page 52.

door. The Town Council resolved by their Minute of June 24th 1685, that a room, which had been left over from the alterations of 1656, should be turned again to municipal uses. "Order to make a convenient Room in the north side of the Tolbooth Kirk for a Court House. The Council considering, That the Counsell hous is frequently taken up by keeping the Town Courts and the Justice of Peace Court and other Judicatories that sitt in the Cittie; and considering that now the Tolbuith Kirk is to be inlairged, and that ther will be a verrie convenient rowme for holding the Town Courts and Justice of Peace Court in the north end of the said Tolbuith Kirk: Therefore they recommend to Bailie Robertson, the Dean of Guild, and Deacon Thomson to cause make up ane convenient rowme in the north pairt of the said Tolbuith Kirk with a Table and Barrs with all convenient dilligence, sic subscribitur,—GEORGE DRUMMOND, provest."

PRISONS AND TOWN-CLERK'S OFFICE.

The Council Minutes show that besides thus affording a meeting-place for a time for the Town Council of Edinburgh, and at least occasionally for the Court of Session and Parliament—the first Parliament at which Queen Mary was present being held here in great state in 1563—St Giles' served also a multiplicity of other "municipal" uses. This state of things continued to the period of the external restoration in 1829. From the time of the rebuilding of the Church after it had been burnt in 1385 until that date, there existed a large open space above the central aisle of the nave, which at one time was fitted up as a house of several apartments for the bellringer and his family. In this, "ane wolt preparit for thame in the rufe of Sanct Gelis Kirk," by order of the Council, April 11th, 1562, looms were set up that it might be seen that the weavers [wobsteris] of the town pursued their trade honestly and without "vnjust deling." This wobsters' house became later in the same year [December 5] a prison for adulterers and fornicators. On April 30th, 1563, the Council decided to hold the Town Clerk's office in the "auld reuestrye," "quhilk at this present is desolat waist and sernis for litill or na thing," so as to save the yearly rent of about twenty marks, and have a house of their own for holding the books and "evidents" of the town; and this arrangement continued until 1811. This vestry, the present Chambers Chapel, was divided at the same time into two stories; and later on part of the body of the Church and the north transept also were used for the accommodation of the City Clerk. The manuscript Minute of February 20th, 1624, gives the authority for one of these extensions. "Forasmuch as the Council having consideration that the Clerk's Chamber of this burgh is of so small bounds as the same is very incommodious for the guid Town's use, have thought fit to take in the Ile next adjacent thereto, lying upon the west thereof, and adjoin the same thereto: Therefore they ordain the Treasurer to repair the Same, and to outred all things necessary to that effect, by the sight of craftsmen, and to repair the heich chalmer also." Maitland, writing in 1753,

describes the offices as having been in the north arm of the "Cross" of the Church since 1563, and in the Minute of April 11th, 1656, an "inner" and "outer" "clerk's chalmer" are distinguished.

CHARTER HOUSE. From considerably before the Reformation the Town's Charter-house was situated in the south-west corner of the Church, in rooms above the old south door. It was still here in 1670 and in 1753, and in the alterations due to the reconstruction of this portion of the Church in 1830-1-2, a large mass of documents was removed from an upper room which was then destroyed. In 1563 another prison had been instituted in a corresponding room above the north-west door, which was known originally as the priest's prison, from the chamber having been originally the abode of a priest who officiated as chaplain at an altar below. It was originally intended for male adulterers and fornicators, whilst the prison in the vaults above the roof was henceforth to be restricted to female offenders of the same class. The latter prison became more lately much better known under the name of Haddo's Hole, —or Haddo's Hold—from a distinguished royalist, Sir John Gordon of Haddo, ancestor of the Earls of Aberdeen, who had been confined there in 1644, before being beheaded at the Cross as a traitor. From this fact it gave also the name of Haddo's Hole Kirk to the north-west corner of the building when it was made into a separate Church in 1656, and it served under this name also as a prison for the unfortunate Covenanters during the troubles of the seventeenth century. In 1599, according to Maitland, the steeple itself was used as the common prison, and the following entry in the Council Minutes explains the reason of its discontinuance:— "*August* 10, 1599.—Ruf of Kirk. The quhilk day Alexander Lord Fyvie, present provest of this burgh, John Moresoun, William Hamilton, James Forman, baillies, the dene of gild, and maist part of Council, being convened, understanding that the sclattis and reuiff of the Kirk has bene greatly damnegyed be the fornicatoris and criminall persouns wardit in the steipill, thairfore they dischairge the placeing and resaving of any fornicatoris or criminall persouns in the said stepill in tyme coming." The sites and positions of these prisons and offices can be easily identified, but a Minute of January 27th, 1579-80, refers to a room in the Church which does not now exist and cannot be so clearly traced. It was probably part of the Tolbooth erected in 1561 and 1562, and is referred to as used for municipal purposes humbler still than any yet enumerated. "Ordain W^m^. Littill, Bailie, to deliver to Lucas Wilson, Dean of Guild, the Key of the House above the wester Kirk door, for inputting of the Town's Calk therein, bought by the said Dean of Guild at their command for sparganing the Kirk."

OTHER PURPOSES. The bulk of this section of the chapter on St Giles' and the New Tolbooth as Municipal Buildings has been devoted to tracing the history, as recorded in the Minutes of the Council, of the occupation of St Giles' by the Town Council and the

High Courts of Justice as a "tolbooth," and at least at intervals as a prison; and the history also of the structural alterations that were effected for this purpose from time to time at the expense of the town. There are also many miscellaneous items scattered through the Council Minutes and elsewhere, which prove that St Giles', in this period of its history, was regarded as a building ready for any function that it might please the civic rulers of Edinburgh to decree, or that it might be found necessary to perform. The election of Magistrates in 1689 had been declared invalid after the Revolution, on the ground that the citizens had been subjected to undue influence; and a new set of Magistrates was chosen in St Giles' Church by the poll of such burgesses as were liable to public burdens.[1] When troublous times came round again in 1745, the Lord Provost and the Magistrates ordered the City officers to "summond" the loyal and well-affected burghers to meet them in the New Church Aisle that their advice might be taken at the critical juncture.[2] The Minute of February 27th, 1767, gives us a glimpse of an ideal state of affairs in Church and State, and shows the Council of the Town as active in the supervision of the spiritual necessities of the citizens as they are to-day in their care about sanitation and public health. "The same day the Magistrates and Council with the Deacons of Crafts ordinary and extraordinary, together with the ministers and elders of this city, being convened in the Isle of the New Church in order to make choice of a minister to supply the present vacancy in this city." In 1773 the Council joined with a Committee of the General Assembly in providing more convenient accommodation for the sittings of the reverend Court in the same New Church Aisle.[3] The Minute of January 14th, 1795, is of a different stamp, and explains itself in its frank description of a third and different use to which the new Church Aisle was put as a Public Hall, which would rouse feelings of pious horror if it were proposed to repeat it now. "To Trotter Maxton & Coy., Confectioners, for Furnishing the Deserts in the Parliament House and New Church Ayle on celebrating his Majesty's Birthday in June last, £70, 15s. 7d. stg. This was double the sum formerly paid for confections on celebrating the King's Birthday owing to the entertainment to the Constables and peace officers in New Church Ayle." In the second half of the eighteenth century the Guild Court met weekly in the upper part of the Town Clerk's office. Coming down to the nineteenth century, when in 1813 the Council required accommodation for a Police Office, on account of the demolition of the New and the condemnation of the Old Tolbooth, orders were given that the vacant church aisle should be converted to this use; and it was suggested also that shelter might be found here for the City Guard, who had occupied quarters in the Old Tolbooth since 1785. This Police Office under the spire and in the north transept, remained there until 1829, when the space was utilised in connection with

[1] Kincaid's "History of Edinburgh." [2] Council Minutes, 28th August, 1745.
[3] Minutes, 27th January, 1773.

the newly-erected north door as a common lobby for all the churches that met in the building. The apartments vacated by the Town Clerk were fitted up in 1818 as a Session Room for the High Church, and a retiring room for the Lord High Commissioner; and this may remind us that St Giles' was still generally at this period a "municipal" building in the older sense of the word, when the Preston Aisle was the meeting-place of the General Assembly and the Convention of Royal Burghs, before the latter was finally settled in the Court Rooms in Parliament Square, and in the present Council Chambers in the Royal Exchange. The Town of Edinburgh was relieved by the Government of the expense of upholding this necessary accommodation for the Assembly and the Convention in the "Assembly Aisle" only in 1822, and the Aisle was in consequence to be considered as appropriated chiefly to the meetings of these Courts.

II. THE NEW TOLBOOTH.

ITS SITE.

THE area in front of St Giles' did not long remain an open space. By the middle of the sixteenth century the line of buildings of the Lawnmarket or Landmarket had been continued to within a few feet of the western wall of the Church, leaving only a narrow passage between it and the Tolbooth on one side and St Giles' on the other, by which access could be had to the churchyard behind. Five closes or wynds—known as Liberton's Wynd (remains of which still exist), Turk's Close, Forrester's Wynd, Back of Bess Wynd, and Beth's or Bess's Wynd—ran from the Lawnmarket to the Cowgate, covering the district between the present Melbourne Place and Parliament House. So, when the Council in obedience to the Queen's letter of February 10, 1561-2, were compelled to erect a New Tolbooth, they found it necessary to buy ground for the purpose at the south-west corner of the Church from W. Currour, "burgess in Banff," to whom they gave £40 in December 1562 as part payment of his ground right; and there is still extant a description of "the lands and biggings . . . sometime pertaining to Robert Gray, and thereafter to Mr Alexander Dick," in which they were infeft, conform to Instrument of Sasine dated 23rd May 1567. The New Tolbooth, erected because the old one had fallen into decay, was at least three storeys high. It contained two flats known as the Laigh and High Tolbooth, or the Laigh and High Council-House, which were in its later history used respectively for the purposes of the Town Council and of the High Court of Justiciary; and one of the two stories above these contained, before its demolition, a Masonic Lodge and rooms for the use of the Town and Depute Clerks. Further north an ancient building three stories high blocked up the area on the westward of the Church to within a few feet of the

Old Tolbooth. The lower flat of this building consisted from an early date of three goldsmiths' booths, one of which, the middle one, seven feet square, was the shop of the famous George Heriot, facing what is now the western doorway of St Giles', and having back premises with windows looking into Beth's Wynd. This booth was in existence till 1809, when Beth's Wynd was demolished. On its eastern side the New Tolbooth extended over the passage already mentioned,—which thus became a covered way into the churchyard and Parliament Close,—and it apparently had the western wall of the Church as a common wall, through which there was a doorway giving free access between the Council-House and St Giles'. It is to this doorway that Sir Daniel Wilson refers when he says that "an arch that remained built up in the party wall showed where the passage was to which reference is made in the 'Diurnal of Occurrents,' when the Regent Morton and the nobles passed from the Church to the Laigh Council House in 1573 to choose the Lords of the Articles."[1] It would seem, indeed, as has been stated before, that from about 1563 to 1633 the western end of the Church of St Giles and the new building outside it formed practically one edifice, in which apartments were used indiscriminately by the Council and the Court of Session as opportunity or convenience served. This gives rise to much confusion in names, as the expression the "New Tolbooth" is nearly always to be interpreted of St Giles, during the early years of this period. The building afterwards known as the "New Tolbooth" was then spoken of more generally as the "Counsall-hous," and it is by this name that the portion retained for Municipal purposes was commonly known in later times.

Published Minutes.

The extracts given in the printed Minutes of Council show that little progress was made at first with the erection of the New Tolbooth. Work had hardly begun when it was stopped in a few months for want of money, but the danger of displeasing the Queen and a threat that if the building were not ready by Martinmas the Court of Session would be moved to some other town, brought about a levy of a thousand pounds upon the citizens, since no money was forthcoming from the Common Good. The meeting of the Town Council at which this was agreed to was held in a temporary Tolbooth in St Giles', and in March of the next year, 1563, the Council paid thirty pounds for the stones of the dismantled Chapel of the Holy Rood,—which had been founded by Walter Chepman in the Nether Kirkyard in 1528, between where Parliament House now stands and the Cowgate,—and used them, as they were hewn and ready dressed, for chimneys and windows. In June 1000 merks were borrowed on security of the common mills "for completing of the new tolbuth and paying of the rest of the maister of warkis compttis." On the 25th December 1564 the New Tolbooth appears for the first time as the meeting-place of the "prouest, baillies

[1] "Memorials of Edinburgh" 1891, Vol. I., p. 260.

and counsale," under the name of the "counsall hous" of this burgh. We learn from the Minute of August 23rd, 1565, "convenit in the nether counsal hous of this burgh," that, like the Old Tolbooth, the new Tolbooth boasted, as we have said before, two halls, one above the other. It was the meeting-place, on December 24th, 1565, of the "generale Kirk." The Convention of Royal Burghs is recorded to have assembled in it in 1579, and it was already the stated convening-place of Parliament. The Head Courts of the Burgh were held here, and emphatic reference is made to them in the order of January 6, 1579-80, by which it was decreed "thatt fra this day furth thair be na burgessis nor gildis resauit, suorn, or admitted, both at foure seuerall tymes in the year, viz.—the four heid courtis, and thatt in presence of the provest, baillies, and counsall for the tyme and na vtherwayes." The "lordis over counsalhous," the upper hall, received in the same month a round table and other necessaries for the President and Lords of the Court of Session.

Manuscript Minutes.

It is a curious fact that the existenee of such a building as the New Tolbooth at the south-west corner of St Giles' Church has been well-nigh forgotten. The "Council-House" seemed to have dropped out of history since its destruction in 1811 and 1812; and many of the events that occurred there have been assigned to the "Old Tolbooth" that stood at the opposite corner of the church, though that "Old Tolbooth" itself had become thoroughly new in the various rebuildings and ehanges that its fabrie had undergone. Yet the Council Records, still unfortunately in so great part unpublished, bear abundant witness to its importance, and supplement the seanty information contained in the printed volumes.

Three entries in the year 1562 show that a Bailie's life in those days was not without its troubles, and that the honour involved a responsibility that many would rather be without. They show also the difficulty with whieh money was found for the proposed building.

"24 *April* 1562.—The Provost and Council understanding that the Bailies have done no diligence for ingetting of the tax, and that the works of the Tolbooth shall apparrently lie idle for fault of money to pay the workmen and furnishing of necessaries thereto; therefore ordain the said Bailies being personally present to eollect the whole tax both of eraftsmen and others betwixt and Saturday next after the date of this present Act."

"5 *May* 1562.—The Provost and Council ordain the Bailies (to) colleet and gather in the whole tax resting, betwixt and Saturday at even next to the effeet the Master of work may have money to pay the workmen; failing thereof, to pay the same of their own proper goods."

"19 *June* 1562.—The Provost and Council ordain the Bailies to give of the readiest of the tax the sum of £200 to David Somer, Master of works, for completing of the work in the New Tolbooth; and failing thereof, to poind the readiest of their own goods therefor, so that the said work lie not idle."

The threats of poinding do not seem to have been of much use, for on October 15th, "compeared David Somer, Master of work, and protested that in case the Town's work ceased and the craftsmen left the same, that the cause and fault thereof be not imputed to him; because he had often required silver to pay the said workmen and could get none; and therefore certified them the said workmen would work no longer until they are first paid of all their 'rests.'" From an entry of November 5th we learn that masons were then at work from five o'clock in the morning until six o'clock in the evening, and that they were to be supplied with candles by the "Master of Works" "at all time convenient." On the 15th January 1562-3, we find an order to take "the readiest joists" from the Old Tolbooth, since sufficient timber could not be had otherwise; and a peremptory order had already been issued (December 6th) to the "Master of Works" that he "suffer nocht the Town's work to cease," but get whatever things may be necessary on his own credit, and the Council would satisfy his creditors. But on February 1562-3 the "Master of Works" had complained that the work was likely to stop through want of money, and the Queen had signified her desire that the New Tolbooth should be ready for the next Parliament on the 20th May. An order was issued that £1000 should be raised upon the security of the annual rent of the common mills, and applied to the works then on hand. This sum was provided in a few days by a well known citizen, Thomas Udwert, and handed to the Treasurer. On June 18th it was reported to the Council that the creditors were becoming clamorous, and on the 21st orders were given to borrow 1000 merks on the same security as in the reference already given from the printed extracts. It was reported at the same time (June 18th) that "the said New Tolbooth rests incomplete at least so much as should serve for the Judges of the Town for their House of Justice." Complete payment was made to the "master of works" on July 7th, of his accounts up to that time; and a further sum was directed to be given him "to end forth the windows and remanent works of their New Tolbooth unended as yet." It appears from the Council Minutes and the Treasurer's Accounts that various small expenses incurred in fitting up doors and windows and setting up "bars" and "seats" for the Lords of Session in the "Over New Tolbooth," and in the "utter houss" and "nether houss," were discharged in 1563 and 1564; though it is not quite clear how "over New Tolbooth" is to be interpreted, whether of the Tolbooth inside or of the Tolbooth outside the Church. On May 23rd, 1567, £95 was ordained to be paid by the Treasurer to Mr Wm. Currour in complete payment of 800 merks given him for "a plot of ground—viz.: two waste tenements whereupon one part of the New Tolbooth is built." With this item, and the purchase at the same time of an annual rent of 20 merks that was due out of these "waste lands" to William Fisher, the history of the expenses incurred in the erection of the building ends. The accounts of David Somers, the "master of work," are still extant, and from them we learn that on the 19th March 1562-3 "wrychts enterit to the

upsetting of the ruiffe of the Counsall hous," which marks the date when the building was nearing completion. The Treasurer's Accounts, in the hands of Mr Adam, the City Chamberlain, show that from March 1561-2 to June 1563 the moneys expended "for doun taking of the Auld Tolbuith, the away caryinge of the stuffe thereof, and for biggin of the New Tolbuith and Counsalhous newlie bigget," amounted to £3201, 10s. 6½d. Scots. The same Accounts show that £811, 4s. 4d., was added to this in the course of the next twelve months, "upon the Counsale houss and Tolbuith of Edinburgh," which brought the total expenditure to June 1564 up to the sum of £4012, 14s. 10½d. Scots.

Built with a Courtyard.

An entry in the Minutes, of date April 30th, 1569, shows that the "Counsale Houss" was built with a courtyard. A meeting of citizens was held in this courtyard on the day mentioned to agree to certain proposals of the Bailies, when it appeared "that the Bailies and Council were in peril of Horning for non-payment of certain great sums resting to the Treasurer and Dean of Guild, and to the heirs of the late John Fisher for the ground of the land of the New Tolbooth"; and it was in this same courtyard or "Yard of the Counell-House" that King James VI. was entertained at a great banquet given in 1617. The "Counsale Hous Yard" was provided with a gallery, in which "ane buird and twa forms" were put in 1613 (Minute of 30th June). An item in the Protocol Books of date June 8th, 1569, shows clearly that at that time the New Tolbooth was the building in which the Royal Courts of Justice were held, whether instead of or in addition to the accommodation that had been provided in the western part of St Giles'—"*Edinburgh Protocols—A. Guthrie*—1568-1570, *fol.* 119—8 *June* 1569. —Sasine by the Provost and Bailies of Edinburgh to Alexander Clark, one of the Bailies thereof, of their piece of waste land lying contiguous between the entrance or turnpike stair of the Senate House of the Lords of Session on the south, the lands of Michael Gilbert (goldsmith) on the north, the common and public trans leading to the Council House of the said Provost, Bailies, and Council on the east, and the Vennel, called Bestis Wynd, on the west, the said Alexander Clark paying a ground-annual of two merks."

It appears from the printed Minutes that on November 13th, 1573, repairs were ordered to be done to the windows of the "Laich tolbuith," and on November 25th to the "windois in the heche and laicht tolbuyth and clarkis chalmer, [and] to by ane chymna for the laich counsalhous." It is more than probable that "laich tolbuith" is to be interpreted here of the Tolbooth inside St Giles', and "heche tolbuyth" of the Old Tolbooth in the High Street; and the references to the "tolbooths" at this period becomes even more complicated by the mention, on May 3rd, 1577, of "the tolbooth of the Session-House," which is undoubtedly the New Tolbooth at the south-west corner of the Church. On September 14th, 1579, the Treasurer was ordered to wash the "ouer and nether tolbythis and the laiche counsalhous with ealk;" and here the "over and

nether tolbooths" are probably the ground-floor and the loft that had been devoted to municipal and judicial purposes within St Giles'. On October 14th, 1599, orders were given by the Bailies and Council to prepare their "Counsalhous" for the meeting of the Convention of Burghs. The Minute of October 2nd, 1582, is interesting for many reasons. It distinguishes between the "counsalhous" and the "nethir tolbuith." "Finallie, the saidis Androw Sklater and Williame Fairlie, bailleis, passit furth to the nethir tolbuith for fencing and halding of the heid court, as use is, quha returning within ane short space declarit that the communitie of craftis had with tumult and vprore and iniurious wordis menacet tham, and per force constranit tham to leiff and raise the Court for feir of thaire lyffis, and incontenint thairafter the said people eschit and brak in per force at the said counsalhous dur." The "nethir tolbuith" was, in all probability, the ground-floor of the western portion of St Giles' Church, though it may refer to part of the building known commonly as the Old Tolbooth. But the Minute is even more important, as containing the record of that civic tumult that had arisen between the merchants and the crafts, which led to the granting of a new "Sett" or Constitution for the City of Edinburgh by the Decreet-Arbitral of King James VI. in 1583. It was by this Decreet-Arbitral, supplemented by the Decreet-Arbitral of Lord Ilay in 1730, and by various Acts of the Town Council, that all matters referring to the election of magistrates and the government of the City were regulated until the great Reform of 1833.

LOWTHER'S DESCRIPTION. 1629.

A description of part of the New Tolbooth, as it appeared before the removal of the Court of Session to the Parliament Hall, was published in 1893, in one of the series of volumes drawn up by the Historical Manuscripts Commission. It is contained in a 12mo volume preserved at Lowther Castle, among the manuscripts of the Earl of Lonsdale, which describes a journey taken through the lowlands of Scotland to Edinburgh, in 1629, by C. Lowther (probably Christopher, afterwards rector of Lowther), and two other friends. The writer gives some amusing and interesting notes of Scottish life at this period, though his style leaves much to be desired in clearness. The book is evidently written by a stranger to the customs he describes, as when he speaks of the Lord Dean of Guild as "an officer they call the Danegeld, which disburseth money for the town before the bailiffs, they call him lord;" but his introductions seem to have secured him fairly exact information. He gives a sketch-plan of the upper hall of the Tolbooth, with a staircase from the floor below entering at about the middle of the end wall. Fully a third of the whole area is occupied by a vacant space into which this stairway opens, with the Commissary and Consistorial Court—which was the Ecclesiastical Court that, down till recent times, dealt with such matters as wills and divorce—in the corner between the staircase and the side wall. Passing through the outer lobby we come to the outer and inner courts, with their respective lobbies and waiting-rooms, and benches, desks, bars, and tables, all of which are minutely described, though

the only ornamental feature seemed to be the chimney in the inner house. "Over the head it is fine fret plaister work, and in the windows behind the Judges are there the volumes of their law." Of the floor below, he says, "Under part of these Courts is there another court called the Court of Justice, and hard by is the Lord Provost's Court." The description he gives affords also a good idea of how the same rooms had from time immemorial served for many purposes in the different Tolbooths, accommodating now a Parliament, now a General Assembly, now the higher Courts of the Realm, and now the Convention of Burghs. The Sheriff held his court in the same building, and "the Sheriff of Lothian" of the year was his cousin. "He keepeth his court twice a week, in the afternoon, Wednesday and Friday, in the outer court, at which times the 4 Lord Justices sit upon criminal matters in their own court, and there criminal offenders may have advocates to plead for their lives before the Judges." The form of procedure adopted in the Courts had at least the merit of simplicity, though the "stories" he tells do not imply that justice always was done. "The form of their pleading is—first, the advocates and their clients stand each on either side of the door through the bar, at the bar, and the advocates plead in Scotch before them, and in the then time of their pleading their clients will put a double piece or more, with an ordinary fee with the poorest, and will say to their advocates 'thumb it, thumb it,' and then will the advocates plead according as they feel it weigh." "A story—One being to [be] made Judge of the Session not long ago, there being in his oath not to be partial, he excepted to his friends and allies. Another—A borderer in a jury gave amongst his fellows wittingly a false verdict, and being asked why he did it, said it is better to trust God with one's soul than their neighbour with their geere."

Used as a Church.

It may have been this Tolbooth, or it may possibly have been the re-built Tolbooth in the High Street, to which the congregation of the South-East Parish were ordered to resort in 1634, preparatory to the fitting up of St Giles' as the Cathedral Church of the newly-created bishopric of Edinburgh. Churches in these days, we may repeat, were quite as much Municipal Buildings as Council Chambers were, and all ecclesiastical arrangements were municipal duties; as later we find the people of the South Parish commanded in 1641 to meet in the Parliament House, or in the College Hall. The last Parliament at which Royalty presided in person was held in the new Tolbooth in 1633.[1] Down to the period of the building of the Parliament Hall in 1633-40, the Exchequer had occupied rooms in the New Tolbooth; and in 1660 orders were given to prepare the rooms "above the Council House" for a Clerk's Chambers, and to receive the Registers and other Evidents belonging to the town. In 1662, the Treasurer was instructed to repair the High Rooms above the Council House for the use of the Town Court, or any other meeting of Court or Council or other judicatories. In 1663, the Council bought old walls at the back of the Council

[1] See Note, p. 69.

House in Beth's Wynd to preserve their "wester lights," as in 1634 they had bought a tenement towards the building of the Parliament House. In 1674, it was decreed that the "Laich House" should be reserved for the meetings of the Town Council and of the Convention of Burghs, or any extraordinary meeting appointed by the Committees of the Secret Council, and the meetings of the Commission of the Kirk. It was decided at the same time that the Town Court and Justice of Peace Courts should no longer be held in the "Laich House," but that they should meet in the Upper Council House. The building of a new "Counsell hous" in a "voyde" space at the back of the "Counsell hous" was contemplated in 1685, since the "Laich Counsell hous" was "so often taken up by the Commission of the Kirk and other judicatories." Plans were ordered to be drawn up on the 4th of February in that year, but it does not appear that anything further was done. The Justiciary Court sat in the upper hall from the earliest period, and remained there after the other Courts had left it for Parliament House. The hall was newly fitted up for the remodelled Court in 1679, and all Justiciary trials and sittings were conducted here till 1809. From the unpublished Council Minutes we learn that extensive repairs were carried on in 1655-6-7, in 1665, and in 1679, and the building remained much as it was structurally and in internal arrangements for more than a century and a quarter.

JUSTICIARY COURT-HOUSE.

Resuming the history of the "Council House" or New Tolbooth in the closing year of the seventeenth century, we find—Nov. 15th, 1700—an order to furnish coals and candle "for the guid of the companie of the neighbours keeping guard in the Counsall House." In 1706 orders were given to fit up two rooms for the Bailie Court. In 1741 and again in 1747 and 1774 there is the record of the summoning of the Members of Council to meet in the Council House to elect a Member of Parliament. The Minute of 18th September 1745 gives a passing glimpse of the troubles of civil war and insurrection, from which Scotland has since been happily free. Prince Charles Edward had taken up his quarters in Holyrood House on the day before, and had issued a Proclamation on the 18th of September demanding all the arms and ammunition in the possession of the inhabitants of Edinburgh and Mid-Lothian "for His Majesty's Service." The Minute of Council of the same day runs as follows:—"In regard there is not at present *Tutus accessus* for the Magistrates and Council to assemble themselves in the Laigh Council House by reason of the present Tumults in the city, did therefore authorize Adam Johnston, Writer in Edinburgh, in behalf of the Council to go with a notary and witnesses to the door of the said Council House and take an instrument thereupon, so as the Council may be at liberty to proceed in their business in the Lord Provost's House or anywhere else during the whole steps of the Election." The election of Magistrates referred to here—that of Michaelmas 1745—fell through on account of the continued disorder in the capital, and Edinburgh was left for fourteen months without any constituted government.

18th CENTURY.

In 1748, orders were given to fit up the office in which the cess and watchmoney were collected that it might be used by the Magistrates and Council. In 1751 the Council met again in the Lord Provost's House to elect a Bailie. It would seem from the Minute of July 29th, 1752, that the Goldsmiths' Hall was used for meetings of Committee, and in an extract of proposals made by the Lord Provost on August 12th, we meet with the first trace of those suggested improvements that eventually brought the Council to their present buildings in the Royal Exchange—"the city at present has no Hall or Burrough Room for the Burroughs of Scotland to meet in at their annual convention or for the reception of any person of distinction by the Magistrates, neither is there any convenient Council Chamber." New curtains were provided for the Council Chamber in 1771.

A further step towards the extensive changes that were made on the site and in the neighbourhood of the New Tolbooth was taken on July 2nd, 1778, when it was intimated that the "Writers to the Signet propose to buy the area at the South side of the Parliament close for erecting their Hall there, and the Council were of opinion that every encouragement should be given to so respectable a body." Following still the chronological arrangement of the Minutes, the following item breaks the even tenor of Municipal business by the suggestion of serious civic tumults. It shows that the High Council House was used also as a Town Hall, when necessity demanded that it should be applied to such a purpose. The date in the Minutes is March 31st, 1779:—

Protestant Riots.

"Public Meeting held in the High Council House, Edinburgh, 29th March 1779, to consider an application to the House of Commons by the Roman Catholics for indemnification from the inhabitants of this city of their losses by the late riots. . . . Committee appointed by the meeting to meet in the Goldsmiths' Hall." This extract refers to an extreme Protestant agitation that was carried on in 1779 in opposition to a proposed relaxation of the political disabilities under which Roman Catholics laboured at the time. The agitation culminated in London in the Lord George Gordon riots of 1780, when Newgate Prison was burnt, and the Metropolis was in the hands of the mob for several days.[1]

[1] The following paragraph from Kincaid's "History of Edinburgh," pp. 94, 95, 96, gives an account of these disturbances written within a very few years of their occurrence. Kincaid's "History" was published in 1787:—"The year 1779 must be for ever remarkable in the annals of Scotland, on account of disturbances the most extraordinary that could be imagined to have taken place in this country at such a period. It might well have been supposed, that after the full establishment of the Reformed Religion, after the most unbounded toleration given to every other religious party, however fanatical or absurd, the Papists, now unable to raise their heads, or to assume any power over the rest, would not have been denied the same privileges that were allowed to the rest of mankind. This was indeed supposed by Government to have been the case, and accordingly the penal statutes enacted against them in the last century were abrogated, and the same liberty of conscience granted them which was allowed to other people. No sooner, however, was this known in Scotland, than the nation, as it were unanimously, flew to arms; associations against the intended bill everywhere formed; and not only the lower class engaged themselves in this way, but those of the most respectable characters in other respects. Government, alarmed at such a general

GOLDSMITHS' HALL MUNICIPAL.

We have seen before that the Goldsmiths' Hall in Parliament Square was used for meetings of the Committee of Council as for many other purposes. The Minute of January 25th, 1786, asserts also the ownership of it; for the Town ordered that new windows should be made for the room adjoining the Council Chamber "belonging to the City and commonly called the Goldsmiths' Hall." Extensive repairs were executed on the High Council House or New Tolbooth in 1785, 1787, 1790, and 1796. It was reported in 1797 (March 1st) that the Goldsmiths' Hall had been burnt down, and it was agreed that a public building should be erected at the cost of the town, of which the Corporation of Goldsmiths were to have the use for their stated and extraordinary meetings, on timely notice being given by the Council "as to the extraordinary ones, that the Council Meetings may not interfere with those of the Goldsmiths." From this item we pass to the final chapter of the history of the Council House, as the New Tolbooth had come to be known, and to its destruction in the early years of the century following.

USED FOR GENERAL PURPOSES.

The New Tolbooth or "Council House," like the other public buildings of Edinburgh in every period, was used for many purposes that could scarcely be called "municipal." It was erected originally, as we have seen, for the accommodation of the Town Council and the Court of Session. It was used also for the meetings of Parliament, and of the Privy or Secret Council, until the completion of the Parliament House in 1640.[1] It furnished accommodation for the High Court of Justiciary until its destruction; and the Bailie Court sat here during part at least of the eighteenth century. The word "municipal" may be applied to all these purposes, as the housing of the different Courts of Justice of all grades was a duty that in those days fell to the Corporation of Edinburgh; but the New Tolbooth, especially

ferment, thought proper to drop the intended plan relative to Scotland; but the populace, thinking their proceedings too slow, or perhaps not satisfied without revenge, renewed the violences of the former century. The Popish chapel was burnt to the ground; the houses of the Bishop and others of his profession plundered, or their goods destroyed; and even that gentleman who takes the lead in the affairs of the Church of Scotland himself, being suspected of favouring the obnoxious bill, shared the same fate, his house being attacked, and he himself (as reported) forced to take refuge in the castle. Such unparalleled outrages could not fail of being noticed by Government. The sufferers having made a representation of their losses, at the request of the Magistrates, they laid an assessment on the citizens, to the amount of £1050, which was very unwillingly complied with by them, and some indeed absolutely refused to pay it. After the above sum was collected, the Magistrates added £450 more from the City's funds, which made the amount £1500 in all paid them. No person, however, on this occasion, lost his life; though, on a similar occasion, when behaviour still more atrocious called for a greater exertion of justice at London, a number of people were condemned and executed."

[1] 1636, *September* 13.—"In presence of the Lords of his majesty's secret council and exchequer of Scotland . . . convenit and sitting within the Tolbuith of Edinburgh and Laich council hous thair, quhain the provest bailzies and council of the said burgh ordinarilie uses to sit." [From Instrument in Protocol book of Alex. Douglas, in H.M. Register House.]

1647, *March* 29.—"In presence of the Lords of H.M. Exchequer . . . convenit within the New Exchequer House in Edinburgh, abone the great hall there, callit the Parliament Hall, and new Session House, quherin the Lords of Council and Exchequer used to sit for doing of his Majesty's affairs." [*Ibid.*]

in its later period, became also a kind of common or public hall for the accommodation of societies that had not provided themselves with rooms elsewhere. The meetings of the Writers to the Signet were held here, in the "Laigh Tolbuith," in 1599 and in 1606. In 1606, 1609, 1618, and 1633, they met in the "Heiche Tolbuith," in 1627 in the "Tolbuith of Edinburgh," in 1647 in the "Auld Session House," in 1654 in the "New Session House of Edinburgh,"—by which is meant "the Parliament House," and in 1641 and 1664 in the "High Exchequer House of the old tolbuith,"—where "old" means "old" as contrasted with the "new" tolbooth of the recently completed Parliament House in Parliament Close or Square.[1] The first meeting of the Merchant Company of Edinburgh was held in the High Council House, on 1st December 1681, at which Sir James Fleming, Provost of Edinburgh, and eighty-four other merchants were present. The Merchant Company continued to meet here till 1691, when they removed to a Hall of their own in the Cowgate, which stood on the ground on which the southern piers of George IV. Bridge now rest; but they were back in the "Council House" before 1726, when they purchased a property in the "High Exchange" for a public hall.[2] The Company agreed to sell this to the town in 1751, and their minutes for 1773 show that they had been back again in the High Council House in the preceding year 1772. The Royal Order of Ancient Scots Masonry was allowed by the Minute of Council of July 26th, 1769, "to hold their meetings in the room belonging to the city where the Lodge St Giles meets, and to repair at their own expense a room on the same flat for a steward's room."

Freemasons.

Freemasonry was in high civic favour in those days, as on March 7th, 1781, an agreement was made between the Council and the Lodge of St Luke's, giving them possession of the room lately occupied by the Lodge of St Giles, to be used as a Masonic Lodge on payment of 105 Guineas. But it was not Freemasonry alone to which such privileges were granted. It would almost seem, as has been said, that any Society which had not a hall of its own might count on a grant of accommodation in some part of the New Tolbooth. The art of shoemaking is not usually considered to have anything in common with the dispensation of justice to criminals, but in the Minute of May 2nd, 1781, we find the two conjoined. "There was presented and read in Council, Petition from the Journeyman Shoemakers in Edinburgh praying for the reasons and causes therein set furth that the honourable council would grant them the liberty of holding their quarterly meetings in the High Justiciary Court-Room of this city, which being considered by the Magistrates and Council they did, and hereby do, during the Council's pleasure, grant liberty to the petitioners to hold their quarterly meetings in the foresaid room; but with and under this condition,

[1] History of the Society of Writers to Her Majesty's Signet. 1890. Pp. 234, &c.

[2] "History of the Edinburgh Merchant Company." Edinburgh, printed privately, 1862. Pp. 11, 22, 55, 70.

that such meetings shall not interfere with any meetings of the Magistrates and Council, or other uses to which the foresaid room is or may afterwards be appropriated by them."

Societies. The Minute of June 13th, 1781, enumerates the Societies that met in the "Council House" at that date. "Petition from The Royal Order of Ancient Scots Masonry to The Council anent the Lodge Room used by the Lodge St Giles and themselves. . . . 'The meetings of the Order never interfered with those of that Lodge (St Giles) or with the meetings of the Incorporation of Weavers, The Society of the Solicitors at Law, The Merchant Company, or other Societys.'" Courts. The following Minute specifies some of the Courts that held their sittings in the "Council House," and reveals a generosity that is now sufficiently rare:—"*9th October* 1782.—Mr Sheriff Cockburn appeared in Council and proposed that the High Council House should be fitted up and made commodious for the several courts that now sit in it, and also for the Admiralty and Sheriff Court, and produced a plan of the repair to be made upon the same, which is signed by the Lord Provost as relative to this act of Council. Mr Sheriff Cockburn further informed the Council that the expence of repairing the said High Council House agreeable to the plan would amount to seventy pounds sterling, but if the Council thought proper he would undertake the repair himself, and have it completed agreeably to the plan against the 6th Nov^r. next, and demand no more from the Council than the sum of thirty pounds stg., which being considered by the Magis^ts. and Council they agree to Mr Sheriff Cockburn's proposal, and upon the repair of the High Council House being completed agreeably to the plan, authorize the Chamb^lm. to pay Mr Cockburn £30 stg., saving and reserving to the City of Edinburgh their right to the High Council House as formerly, and to hold their Baillie and other City Courts or meetings within the said house as they shall think proper." Mr Sheriff Cockburn had evidently made a bad bargain, for on 23rd February 1785 we find that "Old Provost Grieve represented that sometime ago Mr Sheriff Cockburn gave in an application to the Council setting furth that for the accommodation of the different Courts and other bodies who occasionally met in the High Justiciary Court House, that very material alterations and Improvements were necessary to be made on said House and to defray part of the expence, he procured from the city £30 stg. in full of all demands. That Mr Cockburn now says the real expence far exceeded what was originally imagined, and as the sheriff and the excise office on account of the King's Court are willing to pay certain proportions of the additional expence, and the work is executed in a sufficient manner and more commodious than formerly for public meetings, the Sheriff hoped that the Council would pay a certain sum for extinguishing this debt, and he thought the proportion to be paid by the city would come to about £15 or £20, which was considered and remitted to the Magistrates and Convener."

The "Friendly Society of Sciennes" was allowed on November 26th, 1794, the use of the Old Justiciary Court Room for its quarterly meetings. The Guild Court was held also in the Old Justiciary Court Room, as on July 8th, 1795, there was "Read petition from Janet Winter representing her extraordinary trouble in sweeping and cleaning the Justiciary Court Room where the Guild Court and other public meetings are held, with a report by the Dean of Guild thereanent." On September 9th, 1795, "The Journeymen Weavers were allowed to hold their quarterly meetings also in the Justiciary Court Room"; and with this entry closes the record of the "Council House" as the minor Public Hall of Edinburgh. The Parliament Hall, as will be seen afterwards, was at this period the great Public Hall of the Town. The knell of the New Tolbooth or Council-House was rung a few years afterwards, when it was intimated, on August 9th, 1809, that the room above the Old Justiciary Court Room occupied by St Luke's Lodge of Masons was required by the Council, as the building, of which this room was a part, was to be removed to make way for "New Court Houses, &c." In two years more the old "Counsall Houss" had ceased to exist.

THE END OF THE NEW TOLBOOTH.

Before the end of the eighteenth century the New Tolbooth had been found unsuitable for the increased amount of business that had necessarily to be transacted within its walls. The erection of the Parliament House in the early part of the seventeenth century had relaxed the strain to some extent, but the reviving energy of the kingdom, which was so marked a feature of the years about 1750, demanded more facilities for an outlet than the Capital could then afford. The spread of luxury and the increased appreciation of general comfort had taught the citizens that their Municipal Buildings should be such as would bring them no discredit, and the visit of Howard had shown that their Prison arrangements left much to be desired. An old plan of 1790 indicates a considerable amount of property as already purchased, including almost the whole of Beth's, or as it is called, Bess Wynd, and part of Forrester's Wynd. Other tenements were scheduled as "not yet purchased," though it was evidently in contemplation to acquire them. The new buildings projected at that time were to extend from a point nearly opposite the middle of the west wall of St Giles', straight south along the western wall of the Parliament House to its south-western corner, and were to include the New Tolbooth in a rectangular area of about eighty yards from north to south by some twelve yards wide. A considerable amount of property at the lower end of the wynds is marked "Ruins," and in 1799 there is a special Council Minute of the ruinous condition of the east side of Forrester's Wynd, with the unanimous opinion of the Council that the old tenements should be immediately taken down.

NEGOTIATIONS.

The conditions for an extensive improvement scheme were thus favourable, but no further steps seem to have been taken in connection with this plan of 1790, which would only have perpetuated an eyesore in shutting out from view the west façade of St

Giles'. Negotiations, however, still went on between the Town Council and the Faculty of Advocates, and a plan in the possession of the Faculty, with the date February 1852, —which is evidently a copy of an older "survey of properties previous to the erection of the Advocates and Signet Library,"—marks another stage in the advance towards the alterations as they were afterwards effected. This plan has marked upon it in "blue tint, properties belonging to the Faculty of Advocates, as represented by a survey made in the year 1793." Part of these "properties" consists of the tenement that stood north of the "Council House" and immediately in front of the west façade of St Giles', with the whole of the tenements on the west side of Bess Wynd. It was proposed in 1801 to exchange so much of these "properties" as stood north of the line of Goldsmiths' Hall for a corresponding amount of property belonging to the Town that stood south of this line. A friendly agreement in these terms was drawn up between the Town Council and the Faculty of Advocates, but though it is stated in the correspondence that passed between these two public bodies, that "all matters were settled," it would appear from the minute of August 24th, 1808, that no practical effect had resulted, and the destruction of the New Tolbooth was again postponed. The terms of the arrangement proposed are contained in the following letters, which have been copied from the Manuscript Minutes of the Faculty :—"*Edinburgh, 13th January* 1801.—That at the above meeting the Lord Provost had proposed to give to the Faculty the site of the Goldsmiths' Hall, and that a continuation of the line of the North Wall of the former Goldsmiths' Hall should be carried straight westward to Forrester's Wynd, and that what lay on the North part of the said line should be the property of the Town, and what was upon the South thereof should be the property of the Faculty. And that the Properties lying respectively on the North and South sides should be exchanged with one another, and the difference, if any, paid to the Party who gave up to the other the most property, and which would be properly ascertained by the Arbiters." "*Edinburgh, 12th January* 1802.—That he [the Treasurer of the Faculty of Advocates] was glad that he had it now in his power to mention to the Faculty that all matters were settled and arranged with the Town of Edinburgh. That the line between their properties was now drawn, and the submission for adjusting the value to be given on either side was now signed on the part of the Town of Edinburgh by their Treasurer, and on the part of the Faculty by their Dean, specially authorised at former meetings for that purpose. That the town had agreed to give up to the Faculty the *Site* of the Goldsmiths' Hall, and all the apartments lying under the Parliament House, which at present are in the occupation of the Town." A third plan exists, drawn up by Robert Reid, Architect, in 1804 or 1806, which shows, in conformity with this agreement of 1801-2, the line of the Goldsmiths' Hall—which was built against the north wall of Parliament House, and occupied a space of twenty-eight feet between it and St Giles'

Church, where the Entrance Hall of the Signet Library now stands,—carried forward for 100 feet to Forrester's Wynd. The property north of this line to the "line of old building south of [the old] Tolbooth" is marked "belonging to the Town;" thirty feet of ground south of the line "belonging to the Faculty" is reserved for the proposed "Hall for the Writers to the Signet;" and the remainder, for about forty-five yards south, on which Library and other buildings have since been erected, is marked, "Property belonging to the Faculty."

The only immediate result of the proposed *excambion* of 1801 was that the New Tolbooth had its lease of life extended for another ten years. In 1804 we find that rooms had been taken outside the New Tolbooth or Council Chambers for the meeting of the Lord Provost's and other Committees, and for the Chamberlain's office. In 1805 a Committee met with the Judges of the Court of Session—who had in 1802 intimated their intention of applying to Parliament for aid towards repairs and alterations on their own buildings,—the Barons of Exchequer, and the Sheriff of the County, to consult about the erection of new Public Buildings for the uses that had been served by the New and Old Tolbooths. Though the amicable agreement that had been "settled and arranged" before January 12th, 1802, was not carried out, it formed the basis of the changes now proposed, and in 1806 orders were given that the tenants of the Faculty of Advocates in Beth's Wynd should be warned to remove by Whitsunday. Delay again ensued, and it was well perhaps that it did, as amongst the many schemes proposed, the one now contemplated meditated the erection of a Gaol on part of the ground to be cleared. On July 2nd, 1808, an Act of Parliament was passed, 48 Geo. III. c. 146, for the erection of a Prison and other public buildings in Edinburgh, which involved the destruction of both Tolbooths; and Trustees were appointed to execute its provisions. The Town Council memorialised the Lords of the Treasury for assistance in carrying out the purposes of the Act, and pointed out that the Courts of the Sheriff-Depute and Judge Admiral, and the Commissary Court had been dislodged from Parliament House, and occupied the City Court Rooms of the "Old [*sic*] Tolbooth or prison where the Justiciary in Ancient Times tried criminals." The Minute of Council of August 24th, 1808, refers back to the exchange proposed in 1801-2, between the Council and the Faculty of Advocates, of all property possessed by them to the north and south of a line drawn in continuation of Goldsmiths' Hall to Forrester's Wynd; and after showing how the object of that exchange had to some extent been removed by the provisions of the Act of 1808 relating to the Advocates' Library, the Courts of Justice, and the new jail, it states that, whilst both parties had agreed instead to hand over the areas mentioned to the Public towards the accomplishment of the objects they had respectively in view, the Faculty of Advocates had already surrendered their areas and tenements to the Trustees appointed

Act of Parliament, 1808.

under the Act, who were now desirous of being put in possession of those belonging to the City. The Council gave their sanction to this proposal, subject to the payment of the sums authorised in the Act to be advanced towards the Criminal Jail and other purposes, and "in the faith that the Trustees will contribute all the aid to bring about speedily such an arrangement between the City and Council as will enable them to complete also the Jail for local purposes." These provisos were the subject of much controversy for nearly twenty years, but the agreement was the condemnation of the New Tolbooth or Council House, which was one of the buildings scheduled to be removed. It drops out of history as it passes from the hands of its builders and owners for 250 years, into the hands of the Trustees named. Work had begun in 1809, when the tenants of the two shops to the west of the stair leading up to the Dean of Guild's office were served with notice of removal on account of the building operations at the north end of the Parliament House. In 1810 an abortive attempt was made by the Ministers and Elders of the Tolbooth Church to stop the new erections on the south of St Giles', on the ground that their light would be greatly injured. Part at least of the New Tolbooth still remained in 1811 as the Old Council Room, for we find it occupied in May of that year by a bookseller, and in June it was advertised to be let. The last entry in the Minutes relating to the New Tolbooth—new in Queen Mary's time, ruinous and moribund now—is a grant in this same year 1811 of the Old Council Chamber as a Vestry to the Kirk-Session of the Tolbooth Church, whose objections to the alterations that were then being effected had failed in the year preceding. The Vestry was to be there till the building "shall be taken down or otherwise disposed of;" and with this entry the history of the New Tolbooth ends. It was shortly afterwards demolished.

NOTE ON ST GILES'.

Page 46.—Holy Blood Aisle.—The "Holy Blood Aisle" seems to have corresponded in 1564 to the present Daily Service Chapel, which comprises what is left of the Chapels built in 1387.—Minute, Nov. 25th, 1564.—". . . to close and big up the South Kirk dur entering throuch the said Kirk yaird be the Halye Blude Ile . . . and to make the entre at the litill dur in Sanct Anthonis Ile."

NOTES ON THE NEW TOLBOOTH.

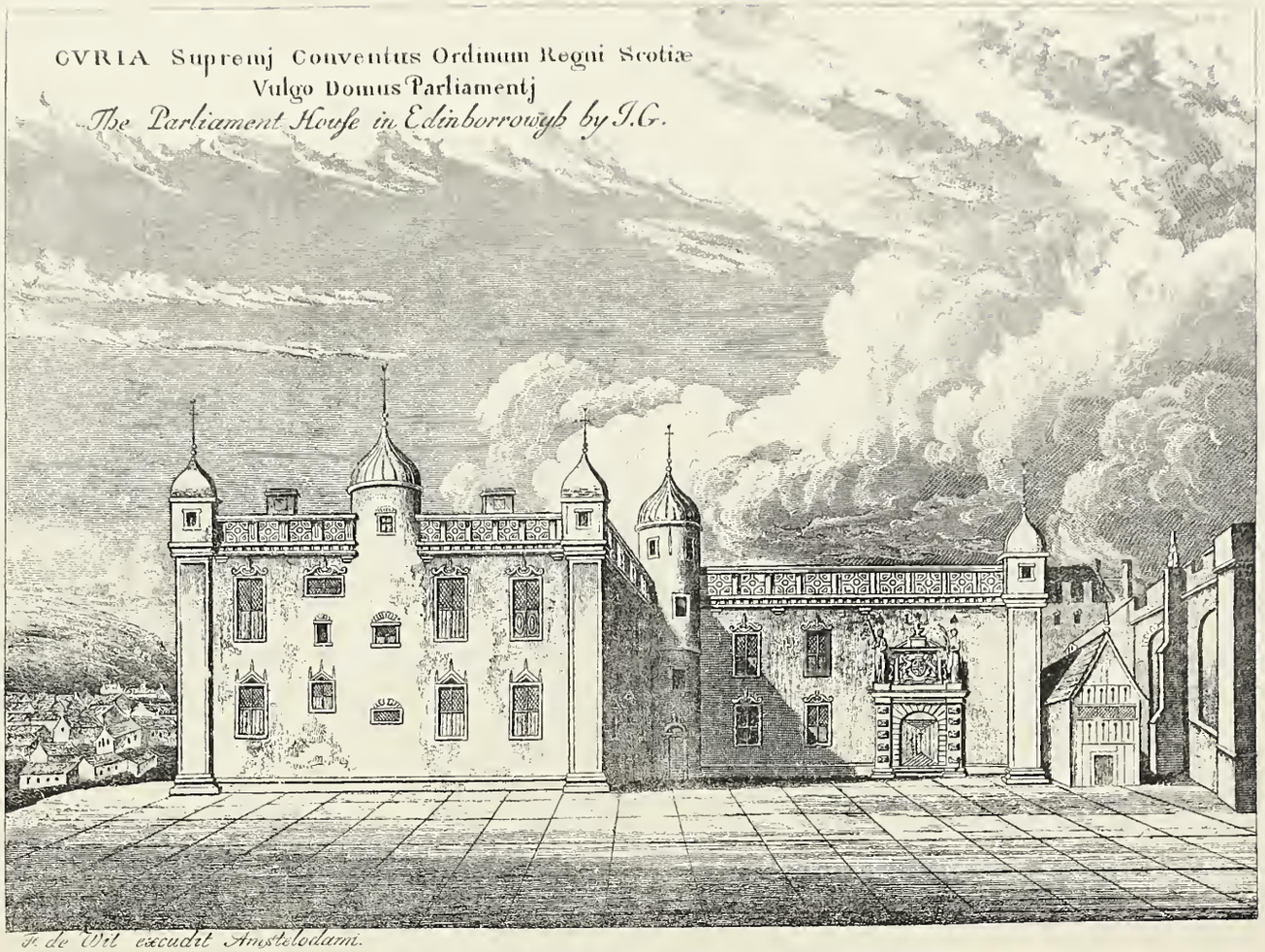
I.

Page 54.—The Parliament of 1633.—King Charles I. was present in the "pretendit" Parliament of 1641, whose public acts, along with those of all the so-called Parliaments of the last decade of his life, were rescinded in 1661. (See page 77.)

II.

Whilst these pages were passing through the press an interesting relic of the New Tolbooth or "Council House" was presented to the Town Council by Lieutenant-Colonel Forbes Mackay, one of the Members of Council for George Square Ward. This is a portrait, believed to be that of Mary of Guise, painted on an oak panel, which had been secured by his grandfather, Alexander Mackay, Esq., of Blackcastle, after the New Tolbooth was demolished. The following extract from Sir Daniel Wilson's "Memorials of Edinburgh in the Olden Time," 2nd Edition, 1890, I., 261, refers to this portrait-panel, now the property of the Corporation:—"The walls [of the Laigh Hall] had been originally panelled with oak, and when, at a later period, this came to be regarded as old-fashioned, the antique panelling was concealed behind a coating of lath and plaster. The compartments of the walls are believed to have been filled with a series of portraits, but unfortunately little attention was paid to the old building at the period of its destruction, and we are only aware of one painting that has been preserved. There is much probability in favour of this being an original portrait of the Queen Regent, Mary of Guise. It is well painted on an oak panel, and in fine condition, though when discovered it was almost completely obscured by smoke and dirt. When first discovered it was supposed to represent Anne of Denmark, the consort of James VI.; it was accordingly assumed that it must have been accompanied by a portrait of James. Nor is it at all improbable that other valuable pictures may have been thrown aside and destroyed with the discarded panelling. This curious portrait passed into the possession of Alexander Mackay, Esq., of Blackcastle. It represents the Queen in a high-bordered lace cap and ruff, such as both she and her daughter are usually painted with. The details of the lace work are elaborately rendered, and the expression of countenance is dignified and very pleasing. On the painting being cleaned, an ingenious monogram was brought to light burned into the back of the panel composing the word Maria, and leaving little doubt of the genuineness of the portrait, which has passed through no picture dealer's hands."

THE PARLIAMENT HOUSE.


CVRIA Supremj Conventus Ordinum Regni Scotiæ
Vulgo Domus Parliamentj
The Parliament Houſe in Edinborrowgh by I.G.
I. de Wit excudit Amstelodam.

THE PARLIAMENT HOUSE, EDINBURGH.

A reduced facsimile of a print engraved in Holland about the year 1646
from a drawing by the Revd. James Gordon of Rothiemay

THE PARLIAMENT HOUSE.

ITS BUILDING.

IT may seem strange now to call the Parliament House a Municipal Building, yet the old Parliament Hall of Scotland was avowedly such for nearly two hundred years, and it remains a Municipal Building still in so far as Municipal may mean "belonging to the Town." It was built at the expense of the Town, and mainly from funds supplied by the Town Council; and all repairs to the fabric, and any alterations that were required from time to time were defrayed, till well on in the present century, from the common funds of the Burgh.

The history of the original Parliament House, apart from the additions which were made early in the present century, is written at large in the unpublished Council Records. The accommodation provided for the Courts of Justice and the sittings of Parliament in the New Tolbooth and St Giles' was soon found to be insufficient. It is quite clear that the erection of the New Tolbooth was undertaken very unwillingly by the Council, and that the structure had been little more than a makeshift hurriedly finished to avoid the threatened results of the Queen's displeasure. Lord Cockburn describes the principal apartment as it existed in its later period, as "a low, dark, blackguard-looking room, entering from a covered passage which connected the north-west corner of the Parliament Square with the Lawnmarket. . . . The Council Chamber entered directly from the passage, and, if it had remained, would have been in the east end of the Writers' Library. The Chamber was a low-roofed room, very dark, and very dirty, with some small dens off it for clerks."[1] This was the condition of the New Tolbooth about 1799, and it can never have been a very comfortable building, or at all suitable to the important and dignified uses to which it was applied.

The march of refinement, and probably also the decline of the religious passions of 1560 and the following years, had, it would seem, taught the citizens that in addition to the scandal of the general discomfort and inelegance of their public buildings, it was unseemly that their great historical Church should be disfigured and profaned by the

[1] "Memorials," New Edition, 1874, pp. 82, 83.

alienation of a considerable portion of it to secular purposes. It is quite possible to see in the new schemes that were now proposed, so mixed are human motives, the foreshadowing of that restoration of Episcopacy which demanded St Giles' for its Cathedral Church in Edinburgh; but whatever the reasons were that caused the citizens and Council to enter so heartily into the expenditure that was necessarily incurred, the authors of the scheme that gave Edinburgh its Parliament Hall deserve well of posterity for enriching the City with one of its most cherished glories even of to-day.

1632. The first trace of the intended improvements is found in the Minute of March 13th, 1632. It will be seen, also, that this Minute contemplated a larger design than was ultimately carried out. Large designs with little performance are quite a feature of Edinburgh history, but in this case, perhaps, the gem that was finished leaves nothing to regret that the other buildings that were projected were never even begun. Anent the Building of Parliament House. *Edinburgh Council Records, Vol.* 14, *fol.* 225.—"13 *March* 1632.—The which day Alexr. Clerk of Stentoun, Provost, William Dick and others Bailies, together with Joseph Marjoribanks, Dean of Guild, Wm. Gray, Treasurer, and Deacons of Crafts, with sundry others, including a great number of the honest neighbours of said burgh, being convened, and 'regretting that a part of their great Church, which was appointed for Divine Service, should be applied to secular uses, and withal considering that the lack of convenient and fit Rooms within the burgh for keeping of *Parliament, Session*, and *Council house*, and *other public meetings*, may procure the same to be abstracted forth of this burgh to the great loss and prejudice of the whole inhabitants of all degrees. For remeid whereof it is thought fit and expedient that there be builded and erected such spacious and necessary Houses within the burgh in such place as the Council shall design by advice of the most skilful architects as may with credit and convenience befit the honour of the High Estates of Justice within this kingdom; and withal considering that the same cannot be done nor well effectuat, without the help and concurrence of the whole neighbours, and therefore have thought fit that the benevolence and charitable disposition of the said neighbours, with other well affected persons shall be tried in manner hereafter to be considered upon with all diligence.'" The Minute of 1632 marks a second stage in the history of such buildings as the Tolbooth and Parliament House. Previous to this, they had always been erected at the expense of the Council of the Burgh, but now the "neighbours" or citizens were invited to subscribe voluntarily to the cost. This was a step towards the time when the Town would pay only for the buildings required for burgh purposes, and the Government of the day would defray the charges and upkeep of those required for the business of the nation.

A Subscription opened. On the next day, March 14th, the Council decided that a meeting of the "whole neighbours" should be convened in the "Council House," where a book was to lie open

in which each one might enter "what they will willingly bestow;" "and because it is expedient that those of the College of Justice will not be defective in this work, therefore it is thought meet that they likewise be spoken for trying what they will contribute thereto after such manner as they themselves shall condescend." The subscription promised so well that on April 6th, David Makcall was appointed Treasurer, and on June 27th, sites were selected for the various buildings named. The rooms for the Parliament House and College of Justice were to be builded "in that place where the Ministers' Houses do now stand," and a Council Chamber for the Privy Council [and rooms for the Exchequer] upon the High Street above the New—which here means what we are accustomed to speak of as the Old—Tolbooth, "in that place where now the Goldsmiths' and Skinners' shops are presently, to be extended in such length towards the west as the necessity of the work shall require, and that with all convenient diligence." The latter part of the project was never carried out, and the Privy Council and Exchequer, which had hitherto met in the New Tolbooth, now found accommodation in the part of the buildings erected for the joint use of the Parliament and Court of Session, above the eastern wing allocated to the Inner House.

THE SITE.

The selection of the site of the "Ministers' Houses" for the erection of the New Parliament House carries us back to an interesting episode of Scottish History, which may explain why this particular spot should have been chosen. Nearly forty years before, in 1596, a great tumult had been caused in Edinburgh by a dispute, worse than usual, between James VI. and the clergy. The Ministers had exasperated the people by the suggestion that the King was entirely led by Popish councils, and a petition was framed, the first article of which demanded that "professed Papists . . . be not suffered to reside at court." This was presented to James with scant ceremony, and when he retired to another apartment to escape from the multitude and consider its terms, one of the ministers, Robert Bruce, inflamed the minds of the populace still further by a discourse on Haman and Mordecai. When the petition was rejected, the mob almost forced open the door of the Tolbooth in which the King had taken refuge, and he and those with him were for a time in danger of their lives. The following account of the further course of the disturbance is given by Robert Birrel, "Burges of Edinburghe," in his "Diarey" of memorable events in Scotland between the years 1532 and 1605:—"The 17 day of December 1596, being Fryday, hes Maiestie being in the tolbuith sitting in session, and ane convention of ministers being in the new Kirke, and some noblemen being conveinit w^t^ yame, as in special Blantyre and Lyndesay, ther came in some divilish officious persone, and said that the ministers wer coming to take hes lyfe; upone the qlk, the tolbuith dores wer shut and steikit; and yair araise sick ane crying, God and the King, uther some crying, God and the Kirk, that the haill commons of Ed^r^. raise in armes, and Knew not quherfor allways. Thair wes ane honest man, quha wes

deiken of deikens, hes name wes Johne Watt, smythe. This Johne Watt raisit the haill craftis in armes, and came to the tolbuith, quher the entrie is to the checker hous, and thair cryed for a sight of hes Maiestie, or ellis he sould ding up the zet w^t^ foir hammers; sua that nevir ane w^t^ in the tolbuith sould come out w^t^ thair lyfe. At length, hes M: lookit our the window, and spake to the commonis, quha offerit to die and live with him; quhilk commonis of Ed^r^ offerit to die all in ane moment for hes M: weill fair: sua hes M: came doune after the tounesmen wer commandit of the gait, and wes convayit be the craftis men to the Abbay of Holyruidhaus, q^r^ he stayit that night; and, upone the morne, he rode out of the toune, and sent back the chairges, as ze sall heir heirafter. This tumult bred grate troubill betwixt his M: and the towne of Ed^r^."[1] Several of the nobles advised him to destroy the City, "and erect a column on the site thereof, as an infamous Memorial of this detestable Rebellion, and this deservedly just punishment for the same." The dispute was finally settled by the submission of the Magistrates, who agreed, amongst other terms, to the payment of 20,000 marks as a fine to the King, and the confiscation of the Ministers' houses, which stood on the west side of the churchyard, "to be usid to his Hienes owin proper Use, at His Hienes Pleasure." The churchyard itself had already become the property of the Town when all the church property within the bounds had been gifted to the Town Council and community of the Burgh by the Charter granted by Queen Mary in 1566. This Charter had been confirmed by the Golden Charter of James VI. in 1603, and was again specially confirmed by the Charter of 1612. All of these are still in the possession of the Town Council. The ministers appear to have been permitted after a time to resume possession of their houses, but it was only on sufferance, and their houses were finally confiscated to the Town's use in 1632. It was really a confiscation, for though it was agreed [29th June 1632] that £6000 Scots should be laid aside, out of the general subscription to defray the house-rent of the ministers in all time to come, the money never was handed over for the purpose.

Old traditions pointed to Inigo Jones, the celebrated English architect of the time, who designed a new western front for Old St Paul's in London, and the Banquetting House in Whitehall, in front of which Charles I. was executed, as the architect of the old Scottish Parliament Hall. Tradition has also always connected his name with the building of Heriot's Hospital, which was in course of erection at the same period; but not a single fact has been discovered which gives to either assertion the faintest shadow of proof. There were many resemblances, it is true, between the style adopted in Heriot's Hospital and the way in which the exterior of the Parliament Hall had been originally treated. This was seen notably in the turrets which finished off each corner, two of which can still be viewed from George IV. Bridge; but there is nothing which cannot be easily explained by the fact that both buildings were in progress between the years 1633 and 1639, when work at Heriot's Hospital was stopped

[1] "Fragments of Scottish History," published by Archibald Constable, 1798, pp. 39, 40.

for a time from want of funds through the outbreak of the Civil War. The one authentic name that appears in connection with the building of the Parliament House is that of James Murray, Master of Works to His Majesty, to whom, on February 1st, 1633, the Town Council granted £1000 "for drawing up the model for the works of the Parliament and Council House presently intended."

THE COST. ABSTRACT of the ACCOUNTS of the Treasurers "elected and chosen by the Provost, "Bailies, and Council of Edinburgh, for building of the Parliament and Session "House within the said Burgh," *from 6th April 1632 to 11th November 1640* (Stated in *Sterling* money).

1. THE RECEIPT.

		From "The Good Town."	Collection from the Citizens and Legacies.	For Old Stones, Oak, &c., sold.	Total Receipt.
1.	Year 1632-33,	...	£1436 9 7^{11}_{12}	...	£1436 9 7^{11}_{12}
2.	„ 1633-34,	...	935 14 5^{6}	...	935 14 5^{6}
3.	„ 1634-35,	...	1300 0 8^{4}	£4 2 4	1304 3 0^{4}
4.	„ 1635-36,	£1944 8 10^{8}	34 3 7^{4}	2 15 0^{4}	1981 7 6^{4}
5.	„ 1636-37,	2194 8 10^{8}	2 15 6^{8}	2 2 0	2199 6 5^{4}
6.	„ 1637-38,	1388 17 9^{4}	...	4 19 9^{4}	1393 17 6^{8}
7.	„ 1638-39,	666 13 4	75 0 0	19 8 3^{6}	761 1 7^{6}
8.	„ 1639-40,	444 8 10^{8}	...	52 2 8	496 11 6^{8}
	And the Balance on the Accounts (due to the Treasurer),	131 15 10^{10}	...	...	131 15 10^{10}
		£6770 13 8^{2}	£3784 3 11^{9}	£85 10 1^{2}	
				Total Receipt,	£10,640 7 9^{1}

2. THE EXPENDITURE.

1.	Year 1632-33,	£1476 0 7^{6}_{12}
2.	„ 1633-34,	1070 11 9^{4}
3.	„ 1634-35,	1274 7 11^{2}
4.	„ 1635-36,	1480 11 9^{3}
5.	„ 1636-37,	2103 15 6^{5}
6.	„ 1637-38,	1835 16 6^{11}
7.	„ 1638-39,	1083 0 11
8.	„ 1639-40,	316 2 7^{6}
	Total Expenditure,	£10,640 7 9^{1}

NOTE.—Total Outlay,		£10,640 7 9^{1}
Deduct,—Receipt for Stones and "Trees" (Oak) sold,		85 10 1^{2}
Net Cost of the Building,		£10,554 17 7^{11}
Whereof:—		
Defrayed from "Voluntary Contributions by the Neighbours" (Citizens),	£3784 3 11^{9}	
And from the Town's Funds,	6770 13 8^{2}	
As above,		£10,554 17 7^{11}

The erection of the building and the collection of the subscriptions went on until the Parliament House was completed in 1640. The details are given in the Council Minutes at great length. From the foregoing abstract of the expenditure which was prepared by Mr Adam, the City Chamberlain, in 1876, when it was necessary to defend the claim of ownership which the Town Council had never withdrawn, it appears that the total cost was £10,640, 7s. $9\frac{1}{12}$d. sterling. Of this there had been contributed by "the Good Town," £6,770, 13s. $8\frac{2}{12}$d.; the "Collection from the Citizens and Legacies" had produced £3,784, 3s. $11\frac{2}{12}$d.; and there had been received "for old stones, oak, &c. sold," £85, 10s. $1\frac{2}{12}$d. The net cost of the building was thus £10,554, 17s. $7\frac{11}{12}$d., of which nearly two-thirds were defrayed from the Town's Funds.

Public Troubles.

The Hall was practically finished in 1639, when Parliament transferred its meetings from the New Tolbooth, and voted here the "sinews of war" for an army under Sir Alexander Leslie to take the field against Charles I. After the Restoration, the public Acts of this Parliament, as of all that met afterwards, were invalidated, as affecting lawful authority, and enacted in opposition to the authority of the King. The first voices that were heard within the time-honoured walls of Parliament Hall were thus the harbingers of long-continued discord and civil strife. It had been expected that Charles I. would have attended to open it in person, and regrets were expressed that "they did ill who advised him otherwise;"[1] but the volcano had already broken out openly that had so long been seething and bubbling under the surface. The times were indeed troublous. The foundations of the Parliament House had been laid in 1633, the year in which Edinburgh had been made the seat of a newly-erected bishopric, accompanied by the sop of its exaltation from a Burgh to a City by Royal Decree. Charles I. had paid his first visit to his ancient capital in this same year, and alienated the affections of his people by keeping the Sabbath after the manner of the Book of Sports. The year 1637, which marked the highest sum expended in any twelve months upon the works,—the entry in the accounts is £2,103, 15s. 6^5d.—was also the year when Edinburgh was convulsed by the Jenny Geddes riot, and the Royal Liturgy was dropped in the Cathedral after one attempt had been made to read it in obedience to the orders of the King. In 1638, Episcopacy was abolished, and the King and his people were already in open conflict. In 1638, too, a Provisional Government was constituted under the name of "The Tables," to vindicate the popular rights; and—ominous sign for Royalty—the Covenant was renewed in the churchyard of the Greyfriars. In 1640 the first blood was shed in the Civil War, when the Scots forced the passage of the Tyne. The Scottish Parliament Hall was the scene on which most of the history of Scotland was acted for the next seventy years, or found an under-study when the

[1] Howell, "Familiar Letters," written from Edinburgh, 1639.

prominent performers were summoned elsewhere. Covenanters and Cromwellians, Jacobites and Williamites, Unionists and Anti-Unionists, held the stage in succession until Scotland gave up her separate existence in 1707. Each overcame and suffered in turn, and when the steps of counsel had supplanted the steps of statesmen, it was here again that the wisest and strongest and acutest heads in Scotland won their laurels in a less tempestuous strife. Could the stones of the old Parliament Hall of Scotland speak, what a roll of matchless names they could number who have spoken within its walls. Here Montrose plotted and spoke in favour of liberty;[1] here his old comrade Loudoun condemned him to death after his gallant struggle for his King. Here Cromwell's troopers lectured the people; here the Common-

[1] The following "Account of the condemnation and execution of the Great Marquis of Montrose," taken from the volume of the *Scots Magazine* for 1773 (Vol. 35), is interesting in itself, and refers to two municipal buildings, the Parliament House and the Old Tolbooth:—

"EXCERPT from *Scots Magazine*.

"An Account of the Condemnation and Execution of the Great Marquis of Montrose.—*From the MS. Diary of Mr Robert Traill, one of the Ministers of Edinburgh.*

"When the Marquis of Montrose was brought into the Parliament Hall to receive his sentence, I was present, with some others of the ministers of the town, and heard his sentence read unto him, he being in the pannel, and commanded to kneel on his knees while it was a-reading, which he did, but very unwillingly. After it had been fully read, he answered, 'That, according to our Scots proverb, *a messenger should neither be headed nor hanged.*' My Lord Loudon, being then president of the parliament, replied very well, 'That it was he, and such as he, that were a great snare to princes, and drew them to give such bloody commissions.' After that he was carried back to prison. The commission of the kirk then sitting did appoint Mr James Hamilton, Mr Robert Baillie, Mr Mungo Law, and me to go and visit him in the prison, for he being some years before excommunicated, none except his nearest relations might converse with him. But, by a warrant from the kirk, we staid a while with him in conference about his soul's condition; but we found him continuing in his old pride, and taking very ill what was spoken to him, saying, 'I pray you, gentlemen, let me die in peace.' It was answered to him that our errand to him was, 'That he might die in true peace, being reconciled to the Lord and to his Kirk.' He went aside to a corner of the chamber, and there spoke a little time with Mr Robert Baillie alone, and thereafter we left him. Mr Baillie, at our going out of the tolbooth, told us that what he spoke to him was only concerning some of his personal sins in his conversation, but nothing concerning the things for which he was condemned. We returned to the commission, and did show unto them what had passed among us. They seeing that, for the present, he was not desiring relaxation from his censure of excommunication, did appoint Mr Mungo Law and me to attend on the morrow upon the scaffold at the time of his execution, that, in case he should desire to be relaxed from his excommunication, we should be allowed to give it unto him in the name of the kirk, and to pray with him and for him, *that what is loosed in earth might be loosed in heaven.**

"But he did not at all desire it; yea, did not look towards that place of the scaffold where we stood; only he drew apart some of the magistrates, and spake a while with them, and then went up the ladder in his red scarlet cassock, in a very stately manner, and never spoke a word. But when the executioner was putting the cord about his neck, he looked down to the people upon the scaffold and asked, 'How long should I hang here?' When my colleague and I *saw him casten over the ladder*, we returned to the commission, and related to them the matter as it was."

* "If the evangelical promise was, 'That the commission of the general assembly, 1650, should have *the power of binding and loosing*,' in the sense of the phrase, as understood by the commission, this prayer may possibly be considered as superfluous."—*Edin. Mag.*

wealth leaders were feasted; here also, after the Restoration, a banquet was given to the Royal Commissioner, the Duke of Albany and York. The "bluidy Mackenzie" was master here, and the Duke of York; and the King's Advocate, as Mackenzie was then, tortured the unfortunate Covenanters in the halls below with thumb-screw and boot. The eloquence of Belhaven failed to prevent the Union that had been consolidated by English gold, when, in the brutal jest of the Chancellor, Seaforth, there went "the end of an auld song." The statue of Lord President Forbes commemorates the public services of one, the result of whose labours remain to this day; another to Lord Jeffrey recalls the master who was equally eminent in literature as in law. The mention of Jeffrey's name will suggest to all the galaxy of talent that coruscated here in the early years of this century,—Cockburn and Brougham, and the others, who along with Jeffrey founded or contributed to the *Edinburgh Review*. And the portrait of Lord Justice-General Inglis reminds us that the roll of brilliancy and probity has not yet been exhausted, nor the glory of the old Parliament House obscured in its third century of abounding life.

ITS GENERAL HISTORY.

Parliament Close presented a very different appearance when the Parliament House was finished in 1640 from that which it does now. All that is seen externally is modern. Most of what is seen inside has been modernised also, with the exception of the roof. The original portion of the present extensive range of buildings is confined to the Parliament Hall itself, with the hall below that now forms part of the Advocates' Library, and the Court-Rooms of the First Division of the Court of Session, and the lobby alongside, through which entrance is obtained into the Great Hall itself. The other buildings have been added in the present century. The exterior of the Parliament House was designed in its original form in a species of Scottish Gothic architecture, which harmonised fairly well with the old Gothic ecclesiastical building of St Giles' Cathedral opposite. Its appearance can be easily understood from the copy of a print which was engraved in Holland about the year 1646. The Hall itself was an oblong, of 123 feet long by 42½ feet broad. An eastern wing, built almost square, afforded accommodation for court-rooms and retiring-rooms, and there was easy access from the Hall to the lower of the two main stories of which the wing consisted. These two stories have since been thrown into one, and form the Court-room of the First Division of the Court of Session. Beneath them there existed one or two lower flats or stories, strongly vaulted, which were used for prison accommodation or for stores. Two doorways led into the Hall, one—the principal one—opening into it from Parliament Close, a few feet from its northern wall, whilst the other gave entrance at about the middle of its length. A large turret staircase filled the corner where the northern wall of the eastern wing met the eastern wall of the hall, and led to the court-room above and to the roof. Another turret stair was built into the middle of the eastern wall of the wing, and gave access to the different stories of the wing and to the roof. The windows of the Parliament Hall were in two tiers, but those given in the plate were afterwards

Notes:- The Black lines and Hatching ▬ *show the Parliament House Buildings as in 1640 with internal divisions as in 1790. The Red lines and Hatching* ▬ *show these and adjoining buildings as at present. The numbers 1, 2, 3. on plan show 1, Original Doorway now built up: 2, Old Staircase: 3.3. Recesses in which the Judges sat in the early part of the present century.*

Public Works Office, Edinburgh May, 1894.

Scale

100 50 0 100 feet

built up. A balustrade ran round the top of the walls throughout the whole extent of the building.

Amongst the many schemes for the adornment of the town that were so rife about the beginning of the century, it was not likely that Parliament House would escape. Plans are still in existence, in the possession of Her Majesty's Board of Works, signed by Robert Reid, the well-known architect of the time, and dated 1803, which show the façade much as it is now. A further extension was built towards the east end, and in 1810 the present semi-classic front was built up against the old walls. Its most prominent features are the narrow arcade below, with the present unsightly and inconvenient entrance in the corner, the pillars above, and the Sphinxes on the pediment of the roof. No erection of the present century in Edinburgh has suffered more abuse, but most of the obloquy has been sentimental and misleading. It must, however, always be a matter for regret that the fine old doorway, with the arms of Scotland sculptured above it, supported by Mercy and Justice, was abolished, and the present "hole-in-the-wall" made the only entrance into the Scottish National Courts of Law.

Parliament Hall was the meeting-place of the Scottish Parliaments till the Union of the Parliaments of England and Scotland in 1707. From that date till about 1830 the Great Hall became the Court of the Lords Ordinary, who sat at bars, which were moved from one part of the Hall to another as was found convenient, and dispensed justice amidst the bustle with which the Hall was filled. In the later period of its use as a Court-room, the Judges sat in two recesses that were let into the eastern wall, on each side of the present doorway, where are now the statues of Lord Jeffrey and Lord President Boyle. As the seat of the Lords Ordinary, the Great Hall was known as the Outer House. The Judges of the Inner House sat all together in the lower story of the wing, and the upper story was occupied by the Exchequer, and, in its earlier period, also by the Privy Council.

The Great Hall in 1779.

Chambers, in the "Minor Antiquities of Edinburgh,"[1] gives a description of the Old Parliament Hall as it was in 1779. "The southern moiety, divided from the rest by a partition running a short way up the walls, remained as it was when the Parliament sat in it,—but every object converted from a legislative to a simply legal purpose." Some portraits of the Stuart sovereigns and the tapestry which hung along the eastern wall had been removed, but the internal arrangements were the same as when the King, Lords, and Commons of Scotland assembled, as was their custom, in the one chamber. The arrangements in force in 1779 must sound strange to our ideas of decorum; but the same state of things existed in London at that time. An old plate, published in 1797, shows us Westminster Hall, with a row of officials in wigs and gowns seated in two large boxes or pews at the further end. The centre of the Hall is filled with a motley throng, and on one side there is a row of bookstalls,

[1] Pp. 187-193.

and on the other sundry stalls of milliners, with ladies making purchases at the counter. In 1708 the four Courts of Justice held their sittings in the corners of Westminster Hall, and the sides were used for shops.[1] The Scottish Parliament Hall was cut in two by a partition in about the middle of its length. The southern half remained as it was when Parliament sat in it, except that a Judge now occupied the throne, and the officials sat at a table close beside, whilst lawyers and their clients and the public filled the benches where the prelates and nobles of Scotland and the representatives of the burghs had formerly sat. The northern half was divided again into two unequal parts. The smaller of these—in the north-west corner—occupying about a sixth of the whole floor-space of the Hall, was occupied by the Bailie Court. The larger division was a vacant area, through which access was gained to the Inner and the Outer House; and round the walls were clustered booksellers' stalls, a hardware merchant's stall, a hatmaker's stall, and a coffee-house of three or four apartments, with some of the partitions "of the slimmest materials, some of them even of brown paper."

1792. Lord Cockburn, in his "Memorials,"[2] gives an interesting account of the appearance of the Parliament Hall as he saw it a few years later in 1792 or 1793. The partition across the middle was only about 15 feet high, which corroborates the statement of Chambers,[3] that the whole of the ceiling or roof might be seen from any part of the Hall. Cockburn quotes further the assertion of Arnot, in his "History of Edinburgh," that the space at the northern end was occupied by booksellers' stalls, when Arnot published his book in 1788; but states that when he was there in 1792 or 1793 he observed none of them. "The whole space seemed to be occupied as a jeweller's and cutler's shop. My first pair of skates were bought there, and I remember my surprise at the figures with black gowns and white wigs walking about among the cutlery. . . . Scarcely a year has passed since the time I am referring to without some change in the internal arrangement of the Outer House. Doors, chimneys, screens, windows, benches, and Lords Ordinary's bars have wandered round and round the whole Hall, exactly as has suited the taste of the official improver of the day. . . . The modern accommodation for the courts is so ample that it is curious to recollect its amount, and how it looked before 1808, when the Judges began to sit in two separate chambers. The den called *The* Inner House then held the whole fifteen Judges. It was a low, square-like room, not, I think, above from 30 to 40 feet wide. [Its exact dimensions were 40 feet 6 inches by 31 feet.] It stood just off the south-east corner of the Outer House, with the Exchequer, entering from the Parliament Close, right above. The Barons [the Judges of the Exchequer] being next the sky, had

[1] "Old and New London," iii. 542, 543.

[2] Pp. 94, 95, 96.

[3] "Minor Antiquities of Edinburgh," p. 193.

access to the flat leaden roof, where I have seen my father, who was one of them, walking in his robes. The Inner House was so cased in venerable dirt that it was impossible to say whether it had ever been painted; but it was all of a dark brownish hue. There was a gallery over the bar, and so low that a barrister in a frenzy was in danger of hitting it." The northern part of the Hall was cleared out in 1798, after a correspondence between the representative of the Advocates and the Town Clerk.[1] The space thus secured was thrown into the general area of the Hall, which continued to be used as the Outer House, with two Lords Ordinary sitting in the niches already referred to, until the changes of 1830, when the Lords Ordinary were increased to five, and they began to sit in the present Court-rooms which open from the corridor that runs across the southern end of the Hall. The upper story of the eastern wing, which had been used by the Court of Exchequer, was removed, and the space thus gained was thrown into the Inner House, the Exchequer being accommodated elsewhere. Parliament House was thus remodelled as it is seen at the present time when it is used as the *Salle des Pas Perdus* of the Scottish Bar, the general waiting-room and lounge of the advocates, agents, and witnesses, and others engaged in the business of the Courts. The beautiful stained-glass window at the south end of the hall, commemorating the institution of the Court of Session by James V. in 1532, was put up in 1868, and two years afterwards four other windows, also modern, on the west side of the Hall were filled in with stained glass representing the arms of various eminent lawyers, one commemorating the long line of Lords Justice-Clerk, another the great legal writers of the Faculty of Advocates, and the third and fourth the Deans of Faculty and the Lords Advocate.

[1] Copy Letter from David Hume, afterwards Baron of Exchequer, to the Town Clerk, dated July 9th, 1798, and Reply thereto.

St Andws. Square, *July 9th*, 1798.

Sir,—By the desire of the Lord Advocate, I do myself the Honour of acquainting you, that, agreeably to what was settled last winter with Provost Elder, the Faculty wish, immediately upon the end of this Session, to commence their operations upon the north part of the Outer Parliament House, so as to put the whole Hall in proper condition for their uses; which operations will occupy some time.

I have therefore to request that you will be so obliging as to arrange matters for the accommodation of the Bailie Court elsewhere (which Provost Elder seemed to think would easily be done), as soon as you possibly can; and that you will take the trouble of acquainting me at what time Mr Salisbury and his workmen may be at liberty to commence their operations.

The Persons who occupy the Shops in that part of the House have granted a written obligation to remove at any time when desired; and I will give them notice accordingly.—I have the honour to be, Sir, Very Respectfully, Your most obedt. Humble Servant,

(Signed) David Hume.

Reply.

Edinr., *18th July* 1798.

Sir,—Your letter of the 9th inst. was this day laid before the Magistrates and Council, desiring to know at what time Mr Salisbury and his workmen may be at liberty to begin the intended alterations in the north part of the Outer Parliament House. I am authorised to inform you that Mr Salisbury may commence his operations whenever it is convenient for the Faculty.—I am, with much respect, Yours, &c.,

David Hume, Esq., Edinburgh. "J. J."

The Lower Hall.

Below the Great Hall there is another spacious hall of similar proportions, divided by eight pillars which support the floor above. This is now occupied by part of the Advocates' Library; but, like the Parliament Hall, it has had a varied history. It was known generally as the Laigh (or Low) Parliament House, but it is doubtful whether it ever existed or was used as one apartment until it was cleared out for the Library purposes in 1870. The first reference to it occurs in connection with the English occupation of Scotland during the Commonwealth. After Cromwell's victory at Dunbar it was ordered to be fitted up as a prison, and the number "wairdid" there was so great that it was found not sufficient, "notwithstanding of all the vast charges and expenses waired [spent] thereupon," so that the "old Wairdhous or Tolbooth" was also requisitioned "for the use of the Marshall General and prisoners of war." During this occupation of the lower hall, on the 17th of May 1654, some of the prisoners contrived to cut a hole in the floor of the great hall above, and all made their escape but two. It is believed that it was here or in the vaults under the eastern wing that torture, which was then authorised by the law of Scotland, was applied in the presence of the Privy Council, and that many of the Covenanters so suffered under the presidency of James, Duke of York, afterwards James the Seventh.

A General Register House.

Part of the "laigh Parliament House" was ordered by the Town Council, in 1661, to be fitted up for the use of the Lord Register, and in this the general records of the kingdom were preserved until the building of the present Register Office, at the end of last century. The Advocates' Library, which was then housed in one of the tall buildings that occupied the south-east corner of Parliament Close, had a narrow escape from being destroyed in the great fire that devastated this quarter in 1700. Application was made to the Town Council by the Faculty of Advocates after the fire for the use of the part of this lower Hall that was not required for the Records. The application was successful,

Advocates' Library.

and "the space allotted to the Faculty for the storage of their books included the south end of the Hall up to the fourth stone pillar. The rest of the space was occupied by sundry small rooms, in which were deposited the National Records of Scotland, uncared for, unclassed, and in a sad state of dilapidation and confusion." These rooms also were granted for the purposes of the Library when the Records were removed on the completion of the General Register House at the east end of Princes Street, and large additions have since been made to the building on the south as the Library gradually extended. Reference is made to one of these latest grants of accommodation for the Library by the Town Council in the following terms, in the minute of January 8th, 1772: —"City Lumber Room to the north of the Advocates library taken possession of by the Faculty of Advocates as an extention of room for their library." An Act of Council was passed in February 1790 on a petition from the Curators of the Library, which gave the Faculty of Advocates possession of the "Easter Low Parliament House," "during the pleasure of the Council,"[1] for an extension of their Library, and a

[1] See Council Minutes, February 24th, 1790.

letter of thanks was received from the Curators of the Library, dated the 17th of March. The "Easter Low Parliament House" was occupied at that time by the Lord Register, and was to be handed over to the Advocates "as soon as it shall be unoccupied by the removal of the Public Records." The Laigh Parliament House, however, "still continued to consist of a series of small chambers, dark and inconvenient, having coal-cellars behind them between the recesses of the pillars," until the Faculty of Advocates made a thorough restoration of this part of the building, in the year 1870, "sweeping all the dingy rooms away, and displaying for the first time for many a long year the really handsome proportions of the lower Hall. . . . The room at present presents a very imposing appearance, and contains, besides the many volumes with which its walls are lined, several objects of peculiar interest."[1] Amongst them are the original manuscript of "Waverley," a statue of Sir Walter Scott by the self-educated sculptor, John Greenshields, with the inscription below, "*Sic sedebat*" ("Thus he used to sit"), a manuscript Bible of the twelfth century, in excellent condition; a copy of the King's Confession or the First Covenant of 1580-81, and one of the copies of the National Covenant of 1638, signed in the churchyard of Greyfriars.

PARLIAMENT HOUSE ALWAYS A MUNICIPAL BUILDING.

Throughout its entire history, there has been an intimate connection between the Old Parliament House and the Town Council of Edinburgh. It was built, as we have already seen, mainly out of contributions from the Common Good, supplemented by subscriptions from the citizens. The cost of its maintenance, and of all repairs, was defrayed for nearly two centuries out of the Municipal funds; and for nearly two centuries also the Great Parliament Hall was the Public Hall of the town.

The earliest record of this close relationship between the Parliament Hall and the City or Town of Edinburgh is found in an Ordinance of Council, dated May 4th, 1640, commanding the inhabitants to "convene" weekly in the Parliament House, that they might hear what steps had been considered necessary for the public welfare in the state of civil war that existed then between Charles I. and his people. ORDINANCE—"COUNCIL."—"NEIGHBOURS TO CONVENE WITH THEM" EVERY TUESDAY WEEKLY, FOR THE PUBLIC WEAL OF THE GOOD TOWN. *Edinburgh Council Records*, *Vol.* 15, *fol.* 134. — "4 *May* 1640. — The which day the Provost, Bailies, etc., being convened in Council: Forasmuch as the exigency of the time requireth that many things should be communicated to the neighbours which concernes them in common for the public safety and weal of the Town, which cannot be conveniently done without a constant day be appointed for their weekly meeting: Therefore the Council has appointed and appoints, that upon every Tuesday weekly after the sermon, the whole neighbours *shall convene in the Parliament House*, and ordains this to be intimated to them to-morrow out of the pulpit."

MUNICIPAL IN 17TH CENTURY.

The Parliament House had just been completed in 1640, at the expense of the

[1] J. Balfour Paul, "Handbook to the Parliament House," pp. 72, 73.

town, and it might seem reasonable that, at a time of public danger, the citizens should be permitted to gather and deliberate in the Hall that they had built, but a curious entry in the Council Records, twenty years later, of date August 15th, 1661, proves that at that period also the Council dealt with the Parliament House as with their own property. They had given two rooms in the Lower Hall for the use of the Lord Register and for the housing of the general records of the kingdom, and by the same Minute they appropriated part of the Upper Hall for their own purposes. It does not seem clear how the accommodation thus secured by the Town fitted in with the amenity of the Hall when Parliament was sitting, but the wording of the Minute is sufficiently plain. *Council Records, Vol.* 21, *fol.* 4.—"15 *Augt.* 1661.—Report by Committee of Council nominated the 2nd Augt. 1661 anent the form of the preparation of these two Rooms in the *Laigh Parliament House* with their two back Rooms toward the north with timber work, as presses and shelves for the use of my *Lord Register*, as follows, vizt. The two southmost Rooms from the arch southwith [*sic*] to be well wrought of good fir in moulded work in presses from the ground ten feet in height and sixteen inches in depth, with open shelves above them close to the joisting; and this upon all the four sides of the two southmost Rooms, with close lids upon the presses conform to the draught with locks, etc., with a Table and two Forms in every one of the south Rooms; also to fix open shelves in the two back Rooms upon their side walls with two ladders, one long and one short, to reach the shelves: also to make two Doors where they are to be sloped out and hing them with locks and bands; and to make Doors to hing on both sides of both the two arches, with their iron work; and above the doors to be with open range Pillars to give light to the back Rooms. Item to make from the foot of the Easter Turnpike a Gallery with range Pillars on the one side as ane rail, and a strong rail sixteen feet or thereby south, and then turning down with ane fine stair well railed, and this to be good work and of good fir: *as also to rail one part of the Outer House* one deal in height with a Door to the west and another to the south *for keeping of materials to the Town's use.* Item to repair and make up the Stair on the gavil of the House looking to the back Council House Close; and all this to be furnished by John Scott," &c.

Repairs by Town Council.

This is only one of a long series of orders reaching until about 1816 of repairs done to the Parliament House by authority and at the expense of the Town Council. On October 4th of the same year, 1661, the Council appointed Thomas Murray to repair the *Parliament House* against the down sitting of the Session with Bars, Tables and Chairs, &c., and to repair the Council House for the use of His Majesty's Privy Council with a Bar betwixt the south and north doors, and other accommodation. The following extract shows that their care extended further even than repairs, and saw that nothing was done which might inconvenience the occupants of the various rooms. "*Council Records*, 22 *Octr.* 1675.—The Council having visited Thomas Robertson's

Building upon the south end of the Goldsmiths' shops in the Parliament Close, they find that the roof and gable of the said building is so high that it will prejudge *the sight or prospect of the windows of the Secret Council Chamber, and the other windows of the over storey of the Parliament House*, and that the Lords of His Majesty's Privy Council and Exchequer may take offence at the said building, in which case the said Thomas becomes obliged to demolish the same." As regards the Lower Hall, an order was issued on Jan. 3rd, 1679, by which "The Council appointed the Town Treasurer to repair *the windows of the Laigh Parliament House, where the Records of the Kingdom lie* under the Lord Treasurer's trust," and on June 14th, 1689, the Council appointed Laurence Donaldson "to keep the good Town's materials in that room below the Parliament Hall for keeping the Magistrates' Robes and Councillors' Gowns." This "room below the Parliament Hall" was one of the rooms that were afterwards "gifted" by the Town Council to the Advocates after the fire of 1700 for the accommodation of the Library, when the robes and gowns were removed to the "Burrow-Room" farther east in Parliament Close. The Minute of August 31st, 1694, may fittingly conclude this review of the ownership of Parliament Hall in the seventeenth century. Its terms are very emphatic. "Bailie Halyburton reported that the Keepers of the Parliament House did allow the Tacksmen of the pall-money to make their public roup in the Parliament House without the consent of the Council, instead of in their upper Council House." The delinquents were cited to appear to answer the charge.

Municipal in 18th Century.

Throughout the eighteenth century, too, Parliament House was always considered Municipal property. The records show, that, for the first half of this period at least, the Lower Hall, and part also, it would appear, of the Upper Hall, or of the upper portion of the Parliament House in general, were used as a general store for the property of the City.[1] Maitland states that in 1753 there were deposited below the northern part of the Great Hall, called the *Ward*, "the publick lamps belonging to the city, consisting of one hundred in number; the publick theatre or stage, which was erected occasionally at the Market Cross, to accommodate the Magistrates at all public rejoicings; the machine denominated the Maiden, for decollating State Criminals; and the common Gallows, which is occasionally erected in the Grassmarket, as the Maiden is at the Market-cross; with a number of leathern buckets, flambeaus, &c., used in extinguishing casual fires."[2] The King's Birthday was solemnised in the Great Hall on the 4th of June, during the reign of George III., under the presidency of the Lord Provost and Council; and the Bailie Court, as has already been mentioned, held its sittings there from about 1750 till 1798.[3]

The Council Minutes for this century are full of entries relating to repairs or alterations effected at the cost of the Town, but the following items selected from

[1] Note I. [2] Maitland's "History," p. 186. [3] Page 72.

the later years will be sufficient for our present purpose. The Minute of Council of September 19th. 1787, is interesting as a clear acknowledgment by the Faculty of Advocates that the Parliament House itself was the property of the City of Edinburgh.

Acknowledged so.

"19*th September* 1787.—Proceedings of Council on the Memorial of the Dean of Faculty of Advocates anent repairing inside of Parliament House.

"Petition from the Dean of Faculty,

"*Sheweth*,—That the Memorialists propose in the course of the present vacation to renew the whole benches and seating of the Outer Parliament House, on a new plan, and at a very considerable expence, which has become necessary not only from the inconveniency and want of accomodation that attends their present form, but also from the decay which they have suffered in the long period of years that has intervened since they were originally put up. That the Fabric of the House being the property of the city, and furnished by the community for the accomodation of the Supreme Court, the Memorialists beg leave to request that preparatory to the improvements which they propose to make at their own charge, the Magist^{rs} and Council would be pleased to order the flooring and roof of the building to be inspected, and in so far as neeessary to be repaired, the woodwork of the roof in the inside to be cleaned and the whole walls whitewashed." The Council resolved that the above repairs be executed.[1]

The Advocates considered themselves bound at this time to provide such neeessary items as benches and seats, but all structural repairs were executed still at the expense of the town. On the 19th May 1790, an account was passed for glazier work done in the Exchequer and Parliament House, &c., from 1788 to 1789, and on the same date an account is minuted for wright work done in the Parliament House and Tolbooth, &c., in 1789, as also for plumber work done in the Parliament House in 1787 and 1788. A window was authorised to be made for the lobby in November 1790. The Council was asked by the Chamberlain to repair the roof in February 1791. An account for wright work done in the Parliament House from 1783 to 1788 was paid in April 1791. The Barons of the Exchequer requested permission from

[1] The Municipal ownership of the Parliament House is also indicated clearly in the following petition:—

"3*rd January* 1786.—Unto the Right Honourable the Lord Provost and Magistrates of Edinburgh, the Petition of the Committee of the Landed Interest of Scotland,

"*Humbly sheweth*,—That there is to be a general meeting of the Landed Interest held in this place upon Wednesday the 11th current. And as it is expected this meeting will be very numerous, your Petitioners beg leave in their name to request the Use of the Inner Parliament House upon that occasion. And your petitioners shall ever pray. (Signed) Geo. Buchan Hepburn, Preses."

The same ownership is implied in the following extract from D. Murray Lyon's "Freemasonry in Scotland," page 300:—"The Grand Lodge of Scottish Freemasons held a quarterly communication in the Inner Parliament House, in May 1799, under the presidency of the Grand Master, the Right Honourable Sir James Stirling, Bart., Lord Provost of Edinburgh."

But no corroboration is needed of the statement of ownership in the petition from the Dean of Faculty given in the paragraph of the text above.

the Council in the same month to lay a water-pipe "on the top of the staircase that leads to the Court Rooms," and at the same time two doors were ordered for the Inner Parliament House, and the flooring at the main door was to be repaired. An account for mason work was paid in May, another for wright work in July, and others for plumber work and glazier work in December 1791. A representation was made in July 1792 by Bailie Creech "that he was informed yesterday morning that a great mass of the lead covering the turret of the Exchequer stair had shifted and fallen down near 2 feet since the preceding day, and that there was immediate danger, from such a weight of lead falling on the roof of the Parliament House," . . . and the necessary steps were ordered to be taken without delay. It would only be wearisome to particularise further the ordinary accounts for repairs which appear yearly till 1812. They include, as before, wright work, plumber work, glazier work, smith work, and painter work, with the incidental repairs that were required, as well as the fitting up of the tables and "furnishing desert" on "His Majesty's Birthday." Among the more exceptional items, the following may be mentioned:—An estimate for "Ballistrade" around walls of Parliament House in February 1794, and in March of the same year an estimate for repairing the Gothic Parapet on the Parliament House; a report on a Vintner's Account, incurred by Workmen and Decorators of Parliament on His Majesty's Birthday, dated 14th September 1796; a petition from the Dean and Faculty of Advocates for permission to make alterations on the stoves in Parliament House, to which the Town Council agreed 19th October 1796; a letter from the Lord President of the Court of Session relative to the condition of the chimney-tops of Parliament House, 9th November 1796; an increase of salary granted to the two Keepers of Parliament House, 27th November 1799; a Tavern Bill for refreshments to Decorators of Parliament House on 3rd June 1799; an application from the Barons of Exchequer for leave to bring in a water-pipe to the Court of Exchequer, which was agreed to by the Council 2nd April 1800; a remit to the Dean of Guild about the bad repair of the South windows of Parliament Hall, 1st October 1800; and a Minute authorising a water-closet to be constructed for the accommodation of the Lords on the 29th October 1800.

King's Birthday "Solemnized."

The precedent for the use of Parliament House by the citizens on public occasions, which had been furnished in 1640, was not allowed to become obsolete. The leaders of the Commonwealth and the Duke of York were feasted in the Parliament Hall in turn in 1655 and 1685,[1] and thus furnished precedents again

[1] "1685. This year, the Duke of York, afterwards James VII., paid the town of Edinburgh a visit. He was received with the utmost pomp, and entertained in a very expensive manner during his stay. An entertainment was provided in the Parliament-house, when the Duke and Dutchess of York, The Lady Ann, and the whole court of Scotland were present. The company was so large that it was found necessary to pull down the partition which divides the outer Parliament-house from the place where the bookseller's shops, &c., are now kept, in order to accommodate them, and the expence was upwards of 1400 pounds sterling."—Kincaid's "History of Edinburgh," published 1787, page 72.

for the use to which the Hall was put during the reign of George III., when the King's Birthday was "solemnised" there, as the expression went. The following entry in the Council Minutes, of date May 23rd, 1778, gives the usual form of the resolution by authority of which the "solemnisation" was held. "The Magistrates and Council to assemble on 4th June in the Parliament House to solemnize the King's Birthday, and the city Treasurer to provide an entertainment for the said solemnity in the usual manner." In the earlier part of the eighteenth century the ceremony had been carried out in the "Burrow-Room," a chamber which occupied part of the buildings of the Exchange that had been erected or repaired after the great fire of 1700. This "Burrow-Room" stood on the space between the present Justiciary Court-Room and the Court-Room of the First Division, and, along with a chamber adjoining, was used for meetings of the Town Council and the Convention of Burghs, since the accommodation in the New Tolbooth had already been found insufficient. It was taken down with the adjacent buildings in 1742, and was not again erected, though plans were drawn up for a Council-Chamber and other rooms, and additional ground was purchased with a view to its rebuilding.[1] Lord Cockburn has given us, in his "Memorials," [2] a description of the "solemnisation" of the King's Birthday as it was kept about the end of last century in the Parliament Hall. "The day was the 4th of June, which, for the sixty years that the reign of George III. lasted, gave an annual holiday to the British people, and was so associated in their habits with the idea of its being a free day, that they thought they had a right to it even after his majesty was dead. And the established way of keeping it in Edinburgh was, by the lower orders and the boys having a long day of idleness and fireworks, and by the upper classes going to the Parliament House, and drinking the royal health in the evening, at the expense of the town. The magistrates who conducted the banquet, which began about seven, invited about 1500 people. Tables, but no seats except one at each end, were set along the Outer House. These tables, and the doors and walls, were adorned by flowers and branches, the trampling and bruising of which increased the general filth. There was no silence, no order, no decency. The loyal toasts were let off in all quarters according to the pleasure of the Town Councillor who presided over the section, without any orations by the Provost, who, seated in his robes on a high chair, was supposed to control the chaos. Respectable people, considering it all as an odious penance, and going merely in order to show that they were not Jacobins, came away after having pretended to drink one necessary cup to the health of the reigning monarch.[3] . . . I forget when this abominable festival was given up. Not, I believe,

[1] See Chapter V., "The Burrow Room."

[2] Pp. 60, 61, 62. See also Note II.

[3] It has been stated recently that on one occasion during the reign of George IV.—whether at a banquet or a "solemnisation" does not appear—the health of that pious monarch was drunk seven times!

till the poverty, rather than the will, of the Town Council was obliged to consent. In 1798 these civic fathers passed a self-denying ordinance, by which they resolved to ruin France by abstaining from claret at this and all other municipal festivals. The vow, however, was not kept, and the French were not ruined."

Door-Keepers.

The closing years of the eighteenth century reveal also another item of interest, which shows how the Parliament House slipped away gradually from Municipal control, even though the Municipal rights were preserved intact. But rights, when unexercised, are speedily forgotten, as happened also here. On May 14th, 1794, there is a report of the election of a conjoint Keeper of the Parliament House, "conform to a contract entered into betwixt the Lords of Council and Session and the Magistrates and Council of Edinbro', dated 20th June 1694, whereby the office of conjoint Keepers of the Parliament House are to be appointed by the said Lords out of a Leet of three Burgesses of Edinburgh, to be named by the said Magistrates and Council, and to be filled up by the said Magistrates and Council, out of a Leet of three Burgesses of Edinburgh, to be named by the saids Lords *alternis vicibus*." The context of the Contract of 1694 shows that this arrangement had been effected, by way of compromise, to "remove all debaits betwixt the saids Lords and the Magistrates of the said Toune of Edinburgh anent the presenting, choyseing, and admitting the Keepers of the Parliament House"; and the Contract itself remained in force till well on in the present century, when the right of appointment of one of the doorkeepers was relinquished on the offer being made by the Advocates that the town should be relieved of the cost of repairs.[1] The Act of Council of April 10th, 1816, by which this was done, reserves expressly all other rights to which the Town of Edinburgh had a claim. It surrenders the "right of appointing the Doorkeeper, upon condition of being freed in all time coming from all claim on account of

[1] The following petition of the Keepers of the Parliament House, in 1716, is valuable as giving a vivid glimpse of the state of the Capital during the first Jacobite insurrection, and showing also the use that was made of Parliament Hall at that time, *by authority of the "Lord Provost, Baillies, and Town-Council of the City of Edinburgh"*:—

"[*Edinburgh, April* 12. 1716].

"UNTO THE RIGHT HONOURABLE,

"*My Lord Provost, Baillies, and Town-Council of the City of Edinburgh,*

"The PETITION of John Johnston and William Murray, Keepers of the Parliament-House,

"*Humbly Sheweth,*

"THAT where, during the Time that the late unnatural Rebellion was encreasing in the *North*, a great Number of Gentlemen, such as Lawiers, Physicians, Writers to the Signet, and Others well affected to His Majesty King *George*, and His Government, to the Number of Eighty Six, or thereby, out of their Zeal to His Majesty's Government, and for the keeping the Peace of the City of *Edinburgh*, did inlist themselves to keep Guard in the Parliament-House, which is notourly known to your Lordship and Honours: And, we being Keepers of that House, they did oblige us to furnish Coal and Candle to them, for the whole Space of Forty Days, from the 12*th* of *October* to the 21*st* of *November* thereafter: And, when we demanded Payment for the said Coal and Candle, it was proposed by some, that each Member of the

upholding the fabric of the Parliament House, and of the Doorkeeper's Salary, and every other fee or expense, excepting the following annual payments:—£4, 9s. 4d. to the Macers of Court, Two Guineas to the Barkeeper, and 10s. to his Deputy; which sums are to continue to be paid by the Town, reserving always all other Rights belonging to the Town in the Premises and the Appointments already made." Henceforth there is little connection between the Town Council of Edinburgh and their old Parliament Hall. Their ownership of nearly two centuries was lost from sight when the burdens of ownership were removed.

Municipal in 19th Century.

Yet the history of the first quarter of the nineteenth century remains to prove that then, as in 1640, when the "neighbours" were ordered to "convene" in it weekly, the old Parliament Hall of Scotland was virtually the Public Hall of the Town. The Records of the Town Council show, as has been said, that all repairs were done by them until the arrangement of 1816. The accounts, even for regulating and repairing and winding the Parliament House Clocks, can still be examined, till at least the 11th January 1815. Even the *Inner* Parliament House was painted at the Civic expense in 1801, and a letter is extant from the Lord President of the day (Ilay Campbell) to the Lord Provost, dated 13th October 1802, acknowledging that the fabrick was originally built out of the City funds, and partly by contributions. The Magistrates elected their Joint-Keeper in 1807, and passed a Minute on May 24th, 1809, "empowering Professor Playfair to purchase a Transit instrument, to be placed in one of the Turrets of Parliament House." This made the historic building practically the Observatory of the Town. They had "solemnised" the King's Birthday here until 1812, when they first passed a Minute, on the 20th May, "anent the propriety of giving up the usual

said Guard should pay his Proportion for the said Coal and Candle; but others opposed this, alledging, That though they were generally Members of the College of Justice, yet they were not a Guard under the Cognizance of the Lords of Session, but that of the Town of *Edinburgh*, and did accordingly receive the *Word*, *Signal*, and *Orders*, from my Lord Provost, or any Magistrate officiating in his Absence. And thereafter, at a General Meeting, where my Lord Provost did them the Honour to meet with them, and thank them for their good Service; did there propose, that his Lordship would order our Payment, which accordingly he most generously complied with, and promised it should be done, which we are hopeful he does yet remember; upon which we rested secure, and did continue to furnish during their keeping Guard there: And, the Season at that Time being very rigorous, and the said Gentlemen having Occasion for frequent Meetings in the Day-Time, and sometimes keeping Guard both Day and Night, did oblige us not only to give them Attendance our selves, but also to be at extraordinary Charges in Coal and Candle. And moreover, we did furnish Candle to the Forces, and to my Lord *Polwarth's* Militia, when they stayed in the Parliament-House, which has occasioned our Account to extend to 6 *lib. Sterl.* compting the ordinary and extraordinary at Three Shillings *per Diem*, conform to an Account thereof herewith given in.

"*May it therefore please your Lordship and Honours, to give Orders to your Treasurer for our Payment of the said Account.*

"According to Justice, and your Petitioners shall ever pray.

"John Johnston.
"William Murray."

mode of celebrating the King's Birthday in Parliament House," and followed it up by a Resolution two days afterwards—May 22nd—"to dispense with the usual mode of celebrating the King's Birthday on the ensuing occasion, on account of His Majesty's melancholy indisposition."

The birthday celebrations were never resumed, and from Lord Cockburn's account of the festivities with which it was "honoured," it must have been a relief to Provost and Magistrates to find so good an excuse for their discontinuance; but three years afterwards the Hall was used again on two occasions as the Public Hall of the Town. The first of these was on the 27th June 1815, for which day a meeting of the inhabitants of Edinburgh was called in the Parliament House, when it was unanimously resolved to open a subscription for the relief of the relatives of those killed, and for the wounded, in the battles of Fleurus and Waterloo.

WATERLOO.

The second occasion marked an epoch in the history of taste and culture in Edinburgh. With the growing spread of refinement there had arisen an increased interest in music in the capital of Scotland. The English Festivals, which are now so marked a feature in English musical history, had, even at this date, proved a marked success, and a few enterprising amateurs, who had visited these great gatherings, set to work to produce a similar meeting in Edinburgh. After many preliminary consultations, it was decided at a public meeting in the Council Chambers, under the presidency of the Lord Provost, on 30th November 1814, to hold a Festival in Edinburgh in the next year 1815. A large and influential committee was appointed to settle all arrangements, and it was agreed to hold the morning performances in the Parliament House, and the evening concerts in Corri's Rooms. As eventually carried out, selections from Handel's works and Haydn's "Creation" were thus given in the Parliament House on the morning of October 31st. Handel's "Messiah" was then performed on the morning of November 2nd, and miscellaneous selections from the works of Handel, Haydn, Beethoven, and others on the mornings of November 3rd and 4th.

MUSICAL FESTIVALS.

The Festival was a great success, and has been ranked as one of the Great Festivals of the country. In 1818, the Lord Provost was approached again on the subject of another Festival. A general election was expected in the autumn, and some delay ensued, but the Festival was arranged for October 1819, when the morning performances were again held in the Parliament House, and the evening concerts were given in the Theatre Royal. Haydn's "Creation" and Handel's "Messiah" were again heard within the old roof, along with many of the Selections that had gone towards making the former meeting so great a success, and the performances, so far as the Parliament Hall was concerned, were brought to a close on October 23rd, when Beethoven's "Mount of Olives" was the third and concluding part of the programme. Five years afterwards brought the third Edinburgh Festival in 1824, which was held again in the Parliament House and the Theatre Royal. The programme was much the same as before,

the *pièces de resistance* being for the third time the "Creation" and the "Messiah," with the "Mount of Olives" on the last morning of the gatherings in the Parliament House. This Festival of 1824 was not so successful, financially, as the others, but created perhaps even more interest. The Great Fires of November of that year were long remembered, in which the Tron Church suffered severely, and the south side of the High Street as far as Parliament House was totally destroyed, whilst Parliament House itself was for a time in danger; and these were regarded by many as the judgment of Heaven for the impieties of October, when sacred music was rendered by profane mouths, to the accompaniment of an organ which had been borrowed from a Popish Chapel.[1] Following a custom of the time, sermons were preached in which the Festival work was denounced. The title of one of these may be mentioned—"The Importance of hearing the Voice of God; a Sermon preached on the Lord's Day after the late fire in the City of Edinburgh, with remarks on the alleged connection of this calamity with the Musical Festival. By J. A. Haldane. Edinburgh, 1824." But before we laugh at these absurdities of a generation that is gone, let us remember similar absurdities of the generation nearer our own, when the issue of the so-called "godless florin," from which the letters D. G. (*Dei Gratia*) had been dropped, was held responsible for a subsequent outbreak of cholera, in which so many fell victims to neglected drainage and filth. Since 1824 the Great Hall has been frequently used for public meetings. The Social Science Congress met in it in 1863 and 1880, and the British Association made it the centre of their deliberations in 1871 and 1892. But even as late as 1863, on the occasion of the rejoicings at the marriage of the Prince of Wales, the Magistrates exercised their ancient rights, although these rights had ceased to be accompanied with the burden of maintenance and repairs. The Minute of the meeting of Council held on January 27th, in this year, records that a report was read from the Lord Provost's Committee, "on a remit to them to consider and report what arrangements should be made for celebrating in this City the marriage-day of His Royal Highness the Prince of Wales." They had sub-remitted to the Magistrates to consider the matter, and amongst the proposals made by them, and adopted by the Council, was this: "No. 3. That there should be a banquet in the Parliament House similar to that on occasion of the marriage of the Princess Royal." It is added that "from this recommendation Councillor Hope dissented." His dissent, however, was not from the use of the Parliament House, but from the nature of the festivity contemplated, and the banquet was carried out as suggested.

THE DISCHARGE OF 1876.

The question of the ownership of the Parliament House arose incidentally in

[1] For further information regarding these Festivals of 1815, 1819, and 1824, see "Music for the People," by Robert A. Marr, from which much of the foregoing has been taken, as also the *Scots Magazine*, Vols. 77 and 84.

1876, after having been in abeyance for sixty years. The Board of Works had expressed a desire to purchase the superiorities of the areas to the south and west and north and east of the old Parliament House, on which the more modern buildings have been erected in the neighbourhood of Parliament Square; and an attempt was made to add a clause to the description of these areas and buildings which would include the old Parliament House itself. An account has been given in the section of Chapter III., which deals with the New Tolbooth, of a correspondence which had taken place as far back as 1801, between the Faculty of Advocates and the Town Council respecting these sites, and of an arrangement which was come to and ordered to be signed on 12th January 1802, by which "the line of the north wall of the former Goldsmith's Hall," "carried straight westward to Forrester's Wynd," was to be the dividing line between the property of the Faculty and the property of the Town. An *excambion* was to be effected of the properties lying to the north and south of this line, so that the property of the Town should be wholly to the north, and the property of the Faculty wholly to the south of it; but this arrangement, as was stated, was not completed, and the settlement of the question of ownership of the areas involved was postponed till 1808. In that year an Act of Parliament was passed in connection with the contemplated improvements in this neighbourhood, by which Trustees were appointed to see that the various buildings required for the accommodation of the Court of Session and the Faculty were erected. The Board of Works, which had succeeded to the duty of upholding the buildings erected by these Trustees, desired, in 1876, to have adjusted a Discharge of the Feu-Duties and Casualties of Superiority payable for the properties belonging to the Board in Parliament Square and the neighbourhood held off the Town. No reference was made in the negotiations of 1801-2, or in the Act of 1808, to the site of Parliament House itself, and a plan was produced in the correspondence that ensued upon the proposals of the Board of Works to show "the extent of the ground held off the City, and the Parliament House was excepted from the measurements, because the *dominium utile* [the ownership] of it belonged to the City." The Charters and Grants by which Parliament Close and the ground upon which the Parliament House is built came into possession of the Town were then recited. As a matter of fact, the title to the Parliament House itself remained in the Corporation, whose right of property in it was never alienated. Although the other properties around it, already referred to, were admittedly held of the Corporation as superiors, the Parliament House was not included in these. Accordingly, although it was admitted that the Law Courts had been by arrangement permitted to use the Parliament House, it was insisted that no new claim should now be advanced, and that the *status quo* as regards the right of property or ownership, with which the Board's solicitor had declared they had no intention to interfere, should be maintained. It was pointed out that if the clause as originally framed

by the Board were left untouched, a door would be opened "for its being maintained that the Board of Works, through paying no feu-duty, had a right to the property beyond what they do possess, and that they might found upon the Discharge to fortify that right." After three months' negotiations in all, the following modification was proposed on behalf of the Council (April 3rd, 1876), and accepted by the Board of Works, "Declaring, as it is hereby expressly provided and declared, that nothing herein contained shall apply to or affect the old Parliament House of Scotland and site thereof, or our claim of right thereto or any claim of right competent to the Crown or any others therein, all which are hereby reserved entire."[1]

The final result of this correspondence, which ended in leaving things as they were, appears in page 5 of the "Abstracts of the Accounts of the City of Edinburgh, 1875-76." It puts on record the claim of the Town Council of Edinburgh to the ownership of the historic Hall, which had been built mainly at their expense, and upheld by them, even in the smallest detail, for nearly two hundred years. That ownership had never been forgotten, but there had not arisen any necessity to assert it. The accounts show that £3,125 had been received from the Commissioners of Her Majesty's Works and Public Buildings, as the Consideration-money for a Discharge (dated 18th April 1876) of all Feu-duties and Casualties, past due and future, incident to the Estate of Superiority in the Subjects adjoining the Parliament House, "which subjects comprehend the whole Property belonging to the said Commissioners, held of the Magistrates and Council as Superiors, by the said Commissioners, lying between the Parliament Square on the north, the Cowgate on the south, George IV. Bridge on the west, and the boundary wall between the said subjects described and the Property of the Union Bank of Scotland and the Exchequer Chambers on the east, under the express condition and declaration in the said Discharge, that nothing therein contained shall apply to or affect the old Parliament House of Scotland, and site thereof, or the Magistrates and Council's claim of right thereto, or any claim of right competent to the Crown, or any others therein, all which are reserved entire." It is perhaps necessary to repeat, in interpretation of the "subjects" referred to, that there never was an Estate of Superiority created between the Town Council of Edinburgh and the "Commissioners of Her Majesty's Works and Public Buildings" for the ground on which Parliament House stands, and accordingly there was never any feu-duty or composition payable to the Council for it. The Parliament House was clearly not involved or included in any way in the "Discharge." That document applied only to "the whole Property belonging to the said Commissioners, held of the Magistrates and Council as Superiors, by the said Commissioners," and therein described, which Parliament House certainly was not.

[1] Correspondence, Wm. White Millar, S.S.C., representing the Council, and Donald Beith, W.S., for Board of Works, *re* Parliament House, 1876.

The old Scottish Parliament House is no longer used in any part of it for municipal purposes; the Lower Hall was generously "gifted" nearly two hundred years ago for the noble uses it has served so long, the Upper Hall has been yielded as necessity or dignity required it, to become the Westminster Hall of the Scottish College of Justice, but Parliament House remains Municipal and Municipal property still, as its *dominium utile*,—its ownership,—is vested in the Council of the City of Edinburgh, by whose authority, and at whose expense mainly, it was built.

NOTES ON THE PARLIAMENT HOUSE.

I.

Page 87. Municipal in the Eighteenth Century.—Several old "Inventories of the Good Town of Edinburgh's Store" which have been examined, confirm the statements in the text as to the general use that was made of the Parliament House as the property of the City. An "Inventure," dated 1700, "of the Good Toune of Edinburgh their store in the custody of James Pringle," enumerates in detail the various articles belonging to the City which were at that date in the Council Chamber, the Vesterie, the Magazine House, and the Laigh Parliament House. In the latter were deposited, amongst other things, the Maiden and its frame, a gibbet and ladder, forms, tables, cushions, and chairs, "all for tyme of parliament," a "lairge partition wall of dales and branders of timber painted green which crosses the Parliament house in tyme of Parliament," several old chests, and lamps, and halberts and guns and stools, with buckets and "water ingines," and axes and chains "for fyre." The "Inventar" of 1713 distinguishes between the "Lower Parliament House" and the "High Room." In the "Lower Parliament House" the articles enumerated are much the same as in 1700, with the addition of an "old pulpit," which appears in the inventories of 1744 and 1747 as the "old pulpit said to be John Knox's pulpit." It stood in the Parliament Hall on the outer side of the partition, and was used for sermons in time of Parliament. Some of Cromwell's troopers "exercised" themselves and their hearers in it. It is now in the Antiquarian Museum. In the "High Room," were deposited, in 1713, the frame of the Maiden, "the Cross Furnitur to be made use of on the Queen's birthday," and several barrels and buckets for use in case of fire, with other things of less interest. The "Inventar" of 1744 and that of 1747 distinguish between the "Magazine below the Parliament house, Ground Storie," and the "Upper Storie," and give both as occupied by the property of the Town Council. The most prominent of the objects scheduled at the latter dates are—in the "Ground Storie," "the theatre that is set at the Cross on solemnity days," "the maiden with its frame, and a large knife in a box," "the gallows, scaffold, &c.," and "a pair of stocks that came from the Guard,"—and in the "Upper Storie," several lamp glasses, more than a hundred fire buckets, six forms for the Burrows when they sate in B: room," a sun-dial that had been in the Council Chamber, and "six white iron lanthorns for the stair when the theatre, &c., are taken out and taken into the Magazine."

The Inventories for 1700, 1713, and 1744, are amongst the general records of the Council in the Council Chambers. That for 1747 is in the Corporation Museum. The latter was found many years ago, as stated in an endorsement, amongst some old papers belonging to the late Dr M'Cleish, and was placed in the Museum for preservation by Mr Skinner, the late Town Clerk.

II.

Page 90. "Solemnization" of the King's Birthday.—The following petition is, it is to be hoped, unique as a Municipal or *quasi*-Municipal document. It finds a place still in the Council Archives as an illustration of the claims that were made sometimes upon the authorities of Edinburgh in connection with the annual display of loyalty in the Parliament Hall:—

"[*Nov*r 3*rd*, 1801].

"UNTO THE RIGHT HONBLE

"WILLIAM FETTES, Esq., *Lord Provost of Edinburgh*,

"The PETITION of Daniel Mackintosh, Vintner in Edinr,

"*Humbly Sheweth*,

"THAT your petitioner had an order in June last to provide Dinner for George Herriot's decorating club, by Mr James Laing, and delivered to your petitr by Thos Bruce, one of the under-clerkes of the council chamber, which Dinner your petitioner was told was given by the council, on account of the club's decorating the Parliament House for the King's Birthday your petitioner was told there were to be present some members of the Council, dinner was accordingly provided. Mr Laing having forgot the day on which the club was to dine some of the company went for him, having comed he thought proper to make an apology for not minding the day of meeting, by saying he had dined on cold meat, so that he had not made a better but a worse choice only by an oversight—having enjoyed themselves pretty freely they becam quarrelsom so much so that Mr Laing thought proper to leave the company.

"Upon which the petitioner ordered the waiter to give no more drink of any kind. Mr Laing called back some time after to see if they were become quait, but they were not so, Mr Laing desired me to give them no more drink. I told him I had ordered no more to be given—neither had they got any after he left them. On going away Mr Laing desired your petitioner to make out the bill and give it to him which was done accordingly—having applied sever times to Mr Laing to no purpose, your petitr gave a copy to (the amount being £14 : 15 : 5) Bailie Menzies who had the Goodnes to say he would present the same to the councill. Your petitioner was sometime after desired to call on the Chamberlain who would pay the same, when your petitioner called on the Chamberlain, who told me to my great disapointment that the council refused the same. Your petitioner most submissively begs leave to observe to your Lordship, whatever impropriety the club was guilty off I had no share of it. I had no order what was to be allowed on the occasion and having stoped giving any more drink after Mr Laing left the company, there cannot be the shadow of any impropriety on your petitioners part—the brockage is the only items in the bill which Mr Laing did not witness. That your petitioner's claim is Just can be easily ascertained but whether against the Good Town of Edinr, Mr Laing personaly or the club, or Jointly I profess my ignorance.

"The petitioner perswedes himself that the Honble. Council will never decend to use a poor man harsly especialy in circumstances such as the present, and that the Honble. Council will be pleased to show some favour to an old servant of the leat worthy Sir Ralph Abercromby, whese friends countenances him in and on many occasions.

"The petitioner has trespassed two much on your Lordships time and patience for which he humbly begs pardon for the freedom he has taken being fully perswaded your Lordship will not allow a poor man to be denyed Justice who makes his case known, in hopes of which your petitioner will ever pray.

"DANIEL MACKINTOSH."

THE BURROW-ROOM AND COUNCIL CHAMBER.

THE BURROW-ROOM AND COUNCIL CHAMBER.

ITS SITUATION.

DURING the first forty years or more of the eighteenth century the Town Council of Edinburgh occupied premises for Municipal purposes in the south-eastern portion of Parliament Square, which are referred to in the Records by the name of the "Burrow-Room and Council Chamber." The appellation "Burrow-Room" signifies that the Convention of Royal Boroughs held its meetings also in this place during the period mentioned; and the single name "Burrow-Room" is used frequently for the whole of the accommodation that was occupied by the Convention and the Council.

ITS HISTORY.

Not much is known of the history of the "Burrow-Room and Council Chamber" beyond the scanty references to it which are contained in the Council Records. The provision made there for the Council cannot have been very extensive, and it was probably resorted to because of the very limited space that was at the disposal of the Town Council for all Municipal purposes in the New Tolbooth. It is only, indeed, from old Inventories of the Wardrobe and other property of the City that it is proved that there were at least two rooms in these premises in Parliament Square, and not one—as the expression "Burrow-Room and Council Chamber" might reasonably enough be interpreted—which could be used for the sittings both of the Royal Boroughs and the Town Council. But that there were two at least is to be assumed from the wording of the Inventories, where "a Chimney, Fender, Tongs, and Pocker that were in the Burrow-room" are distinguished from "a Chimney, Fender, Tongs, and Pocker that were in the Council-Chamber;" and "two Chests Firr Drawers that were in Burrow-room" are distinguished from "a Chest drawers that was in South Window of Council Chamber."

These Inventories were drawn up in 1744 and 1747, after the "Burrow-room and Council Chamber" had been deserted for Municipal purposes, and had already fallen into ruins. The history of the building itself begins in 1701, the first year of the eighteenth century, when it was decided by the Council, in accordance with the resolutions of the 9th and 23rd April, and the 2nd of May, "to rebuild the south part of the

Exchange for a Council Chamber and Clerk's Chamber." An Exchange for merchants had been erected on the south-eastern corner of the Parliament Close about the year 1685; but it had been destroyed, along with the other buildings in the neighbourhood, in the great fire of 1700: and the rulers of the City considered that this was a favourable opportunity for seeking increased accommodation to relieve the pressure upon the space that was available for Municipal purposes in the New Tolbooth or "Council-House." It does not seem that the Town Clerk's office was ever situated here, as had been contemplated in the resolutions of 1701, but the Minutes show that a few years afterwards—July 6th, 1709—the Bailie or Burgh Court had been removed to this place. The Court was accommodated "in the east part of the Laigh Exchange," and it probably occupied a third room in the new premises, alongside those that had been assigned to the Council and the Boroughs. The Bailie Court was generally in a migratory condition during the eighteenth century, as we find it sitting in 1706 in the New Tolbooth or "Council-House;" and,—after the "Burrow-Room" had ceased to be used,—in the Parliament Hall, from which, as stated already in the chapter on the Parliament House, it was dislodged only in 1798.

King's Birthday "Solemnized."

Almost the only important historical event connected with the "Burrow-room and Council Chamber," so far as is revealed by an examination of the Minutes, is connected with the proclamation of George I., at the Cross of Edinburgh, as King of Great Britain, France, and Ireland, on the 5th of August 1714. The Minute of Council for that date states that after the proclamation had been signed by many of the Scottish nobility, the judges, magistrates, officers of the army, and prominent citizens in the "Town House or Burrow-Room," the whole company, assembled in the Burrow-room, "drank his Majesty's and other loyal healths" on their return from the Cross. The "Burrow-room," indeed, became even ostentatiously associated with the profession of loyalty on the part of the rulers of Edinburgh to the Hanoverian line. After the Jacobite insurrection had been crushed, and King George was safely seated on the British throne, the loyalty of the Magistrates to the cause of the Revolution blossomed forth in an unwonted way into art, and "three pictures, drawn at full-length,—viz., King George's picture, King William and Queen Mary's pictures,"—were put up "in the Burrow-Room" in 1717. The "pictures," with their frames, are recorded to have been cleaned in 1731. The celebrations in honour of the King's birthday, or its "solemnization," as the event was styled in Edinburgh, were held in the "Burrow-Room" so long as that Chamber was used by the Corporation; and the old "pictures" must have witnessed some strange scenes in honour of their cause, if the customs of the earlier half of the century were anything less refined than Lord Cockburn states them to have been later. The record exists of the entertainments that were provided "in the Burrow-Rooms, upon his Majesty's Birthday," "as usual," in October 1736, 1737, 1739, and 1740. When the "Burrow-Room and Council-Chamber" were condemned in 1741 as unsuitable for Municipal

Purposes, the Treasurer was authorised to engage the New Assembly Hall for the purpose of the "solemnization;" and the old portraits, which, along with the "picture" of Queen Anne, are mentioned as stored in Heriot's Work, in 1744, are entered in the Inventory of 1747 as adorning the "Assembly Hall." The usual loyal ceremonies of the period in connection with the Royal Birthday were performed for the years between 1748 and 1752 in the Baxter's Hall; and, later still, the "solemnization" was held, as has been already stated, in Parliament Hall itself.[1]

The Minutes supply very little further information that is of any interest concerning the premises in the "Exchange." An insurance of the "Burrow-Room and Council Chambers" for four thousand pounds Scots was effected with the "Friendly Contributors of Edinburgh" in 1724. Extensive repairs were executed in 1730. An election of peers was held in the "Burrow-Room" in October 1736. But the building, short-lived as it was, was drawing near its end. Five years afterwards its doom was pronounced. A report was produced before the Town Council on the 9th of September 1741, "under the hands of Mr Adams, Architect, and Samuel Neilson, late deacon of the Masons, in relation to the Burrow-Room and the rest of that Fabrick, bearing the necessity of throwing down the same;" and the "Burrow-Room" and "Council Chamber" were shortly afterwards vacated.

It was still many years, however, before the "Burrow-Room" was removed, and the history of its ruins is given in the Council Records at as great length as that of the building itself. On February 10th, 1742, instructions were given that the Dean of Guild should "take tryall whither the Burrow-Room and the rest of that building be reparable or not," and it was reported on April 21st that "there was an absolute necessity of taking down that building for preventing of danger to the neighbourhood." The order to take it down was renewed on August 11th, and again on October 20th. On this latter date, "as at present the members of Council were very much straitened for a place to meet in for the Dispatch of Business, since the Council Chamber and Burrow-Room were at present in disrepair," the Lord Provost invited the members "to come to his lodgings weekly on Tuesday afternoon, in order to discourse over such business as was to come before the Council, or occurred from the several committees;" and the offer of his Lordship was accepted. The stones and other materials of "that great building, whereof the Burrow-Room and Council Chamber are a part, in so far

Its Ruins.

[1] The following is the resolution under authority of which the "solemnity" was held in 1748. It is extracted from the Minutes of October 12th in that year, and is repeated in the same terms in the years following. The resolution is interesting as implying also a right to assemble in the Parliament House:—"*King's Birthday.*—Resolved that upon Monday the Magistrates and Council do assemble in the Parliament House, and from thence walk in procession to the Baxter's Hall, in order to solemnize the said day, and for that end recommend to the Lord Provost to write letters to such noblemen and gentlemen as are in this place, or in the neighbourhood, and to the officers of the army, inviting them to attend the solemnity. . . . The Treasurer to provide an entertainment for the above solemnity."

as relates to the city's property of said building," were authorized to be sold by public roup in 1743, when it would appear from the wording of the minute that part of it had actually been "taken down." The price of the stones, "amounting to twenty-two pounds sterling," was to be applied towards "the building of an Observatory in the Colledge."

The second chapter in the history of the ruins opens on June 22nd, 1748, when the City Treasurer produced a letter from "Mr Robert Blackwood of Pittreavie," which intimated that he intended to sell "the two stories under the Burrow-Room, together with the Cross House and cellars;" and offered the Magistrates the opportunity of purchasing them. Negotiations to that effect were still proceeding eighteen months afterwards (January 17th, 1750): and two years and a half later still, the Lord Provost reported to the Council that he had caused Mr John Adam, Architect, to "make out a plan for erecting a building on the ruins to the south of the Parliament Close, where the Burrow-Room and Council Chambers formerly stood, containing a large Hall or Burrow-Room for the Annual Convention of the Royal Burrows of Scotland and their annual committee to meet in, a convenient Council Chamber, and a house for the residence of the Lord Provost during his office" ("Minutes," 1st July 1752). It was found, however, necessary to concentrate the energies of the Council and the expense on that portion of the extensive improvements contemplated at the time which was intended for an Exchange, and has ultimately become the present City Chambers; and no further steps were taken in the direction of the proposed buildings in Parliament Square. In 1763 ("Minutes," May 11th) the question was re-opened by a recommendation to the Lord Provost's Committee, "to enquire into the state of the area on the south and east side of the laigh walk, where the Burrow-Room and Council Chamber were lately occupied, . . . and to prepare a report, . . . with the opinion of the Committee how that area should now be employed." Orders were given, on the 25th May 1763, to make further inquiries into the "area," and "also to enquire what waste areas are to be found by the side of the said laigh walk, how long they have been waste, and that in order to bring the same to sale, in so far as not belonging to the good town, agreeable to the directions of the Act of Parliament relative to waste areas within the City." A proposal had been under consideration since about 1750 for the erection of a "building for keeping the Public Records" in the neighbourhood, and on the 8th of August 1764, authority was given by the Council to "any person to be employed by the Barons of Exchequer to make a trial how far the foundation is sufficient for supporting such a building." Nothing, however, came of this proposal, but it was clear that vigorous steps required to be taken at last to deal with the old walls that still remained. It was reported officially, on the 16th of October 1765, that "the ruinous condition of the place" was a "nuisance, which has been justly and universally complained of for many years," and it was agreed to consider some plan "of putting the same to some proper use, as advertising it for sale, with the

reservation of a Burrow-Room and Council Chamber, and other conveniences for the accommodation of the public as formerly." Twenty years more elapsed before the matter was finally settled, and nothing came of these "reservations" of 1765. The City of Edinburgh purchased some houses in 1766 from a Mr Alexander Allison, Cashier to the Excise, and two vaults or cellars, claimed by Mr Alexander Blackwood, both lying on the south side of the Parliament Close, where the old Burrow-Room stood. An advertisement for the sale of the "area," which had thus been fully acquired, was ordered in April 1766, and countermanded in October. It was resolved again to "advertise for sale" in July 1770, but no result seems to have followed, as in April 1777 the Council were still in treaty with "Alex. Laing, Mason in Edinburgh," for purchase of the "area," and a settlement was again postponed.

Nearly seven years more elapsed before the final stage was reached in the history of the "Burrow-Room and Council Chamber," and its name had disappeared from the Minutes of Council. It was intimated on the 26th of November 1783 that "The City of Edinburgh have advertised for sale the subjects purchased from Mr Alexander Allison, the Baillie Court, which formerly was on the east end of the Laigh Walk, and the High Exchange." The advertisement bore fruit at last; and, with the "Minutes" of December 10th, 1783, and June 10th, 1784, the old Burrow-Room dropped out of sight and mind. The Minute of December 10th, 1783, puts on record the passing of the Burrow-Room and Council Chamber from the hands of the Town Council of Edinburgh—"The old tenements and area lying betwixt the passage by the back stairs from the Parliament Close to the Canongate and the Laigh Walk, exposed by public roup at the upset price of two hundred pounds sterling, and bought at that price by James Bartlet, Banker, for behoof of Sir William Forbes, James Hunter & Co." The Minute of June 10th, 1784, records the final stage in the alienation of ownership—"There was presented and signed in Council a Disposition in favour of Sir William Forbes, James Hunter & Co., Bankers in Edinburgh, their heirs and assignees whomsoever, of all and whole the dwelling-houses, vaults, and cellars, as also the area of the Laigh Exchange, where the Baillie Court was formerly held, and the High Exchange, immediately above the same, which houses and area are laid down in a ground plan, measure 45 feet from north to south, and 23 feet from east to west. . . ." The Bank of Sir William Forbes and J. Hunter & Co. was incorporated, along with others, into the Union Bank of Scotland in 1843; and although the head office in Edinburgh of the Amalgamated Banks is now situated in George Street, the notes issued by the Union Bank still retain in the device of the old Parliament House and the Statue of Charles II.,—as these appeared before modern improvers had done their best, or worst,—the recollection of the time when one of its constituent roots was settled in Parliament Square.

ITS REMOVAL.

The history of the old Burrow-Room was sufficiently tame. It could not be

CAPTAIN PORTEOUS.

expected to rival in interest the Old Tolbooth, as blood ran colder in the eighteenth century than in the fifteenth and sixteenth. But one redoubtable name contributed to the glory of both.

It was from the Old Tolbooth that Captain Porteous was dragged in 1736 to atone for his rashness by death at the hands of the mob. Sir Walter Scott has stamped his name indelibly upon the associations of this historic prison, but Porteous was quite as notorious in the Burrow-Room during his life. A curious document exists in the Archives of the Council referring to a *fracas* in the "Burrow-Room," in 1735 which is strangely illustrative both of the manners of the time and of the character of the man whose evil fate makes him so well known to all. The paper is endorsed "Precognitions anent Capt. Ferguson and Capt. Porteous," and is made public here for the first time.

"*Edinr.*, 18*th July* 1735.—Captain John Fergusson of the City Guard being examined by the Lord Provost and Magistratts: Declares that he happened yesternight about nyne at night to be sitting in the Burrow room at the end of the table next to Captain Porteous and about three or four footts distant from him: That Captain Porteous muttered something to himself qlk the declarant did not understand, that this occasioned the declarant to look about and then Captain Porteous staired him in the face upon qlk Captain Porteous said you know what you have done & that in angry manner, to qlk the declarant answered I know nothing that I have done that I have reason to be ashamed of upon qlk Captain Porteous called the declarant a damned villain and a Rascall to qlk the declarant answered that it was a very improper place for him to resent anything that he said that yrupon Captain Porteous repeated the above expression and seized the declarant by the cheek and threw of his weeg. The declarant upon that pusht Capt. Porteous from him and observing the sd Captain Porteous coming to strike him with his fist he drew back and to prevent the stroak he gave Capt. Porteous a blow with his Cane, and Capt. Porteous pressing to come at the declarant fell over a chair upon qlk they were separate by Baillie Cochran and both of them were ordered under arreast. That this was done in presence of some of the Magistratts and some other Company that were at the time in the Burrow room: That the declarant is sorry for what happened. But it came upon him in such a surprise that he could not avoid it: This he declares to be truth. Jo. Fergussone.

"Captain John Porteous of the City Guard, examined *ut intus*, declares That yesternight, about nyne at night being in the Burrow room, In presence of some of the Magistratts and some other Company Captain Ferguson being sitting near him and some words having passed betwixt him and the declarant (which) being in drink he cannot remember That Captain Fergusson struck him over the head with his Cane. But what past betwixt them either befor or after that the declarant does not remember:

That being ordered under arreast by Baillie Cochrane he notwithstanding yrof came out to the Streett, but whither he came the length of the Parliatt. close or not he does not remember. The above he declares to be truth. JOHN PORTEOUS.

"George Robertson, Souldier in the City Guard, examined Declares that he was placed centry yesternight betwixt nyne and ten upon Captain Porteous in his own house by a Corporall of the City guard: That in a few minutes yrafter Capt. Porteous called to the declarant to be gone for he wanted to goe abroad to see Capt. Lind, where ever he was upon qlk the declarant reasoned with him that he knew what the nature of ane arreast was better than he and that he could not goe out and called for his Sword and Cane and swore he would be revenged of Capt. Fergusson's blood that night and then made a faint to strick at the declarant and gave him a push and soe made his way out and came up to the Guard and called for Capt. Lind, and then came up to the Burrow room and the declarant followed him with his muskett. This he declares to be truth. GEO. ROBERTSON."

Two sentences in the *Caledonian Mercury* for 1736—the year of his death—connect the memory of Captain Porteous with the "Burrow-Room" in a more tragic way. The first of these, from the number published on April 19th, 1736, states that Porteous was ordered "to attend the Magistrates in the Burgh Rooms, where he was examined and committed to prison." The second of these sentences is as follows:—"Last night about 50 of the Welsh Fusiliers reinforced the garrison of the castle, two companies of the City Train Bands mounted guard in the Burrow-Room and Council House, and there was a guard at the Netherbow."[1]

This second sentence is dated September 9th. Porteous had been executed on the 7th.

[1] Quoted in "Trials Illustrative of the Heart of Midlothian," 1818.

THE ROYAL EXCHANGE.

A Generall Plan of the Exchange in the City of Edinburgh

With the Shops and Coffee houses on a Level with the Street

EXPLANATION.

A The principal Entry

B the Area of the Square

c the Piazza

D the Coffee Room in the West Coffee-house

d Rooms and Closets in Ditto

E the Coffee-Room in the Middle Coffee-house

e Rooms and Closets in Ditto

F the Coffee-Room in the East Coffee-house

f Rooms in Ditto

G the Great Stair leading to the Custom-house

H the Passage leading to Ditto

I An open for letting in light to the Rooms in the Writers Court under the level of the Square

K the Passage between the Square and Writers Court

L Seven Shops within the Square

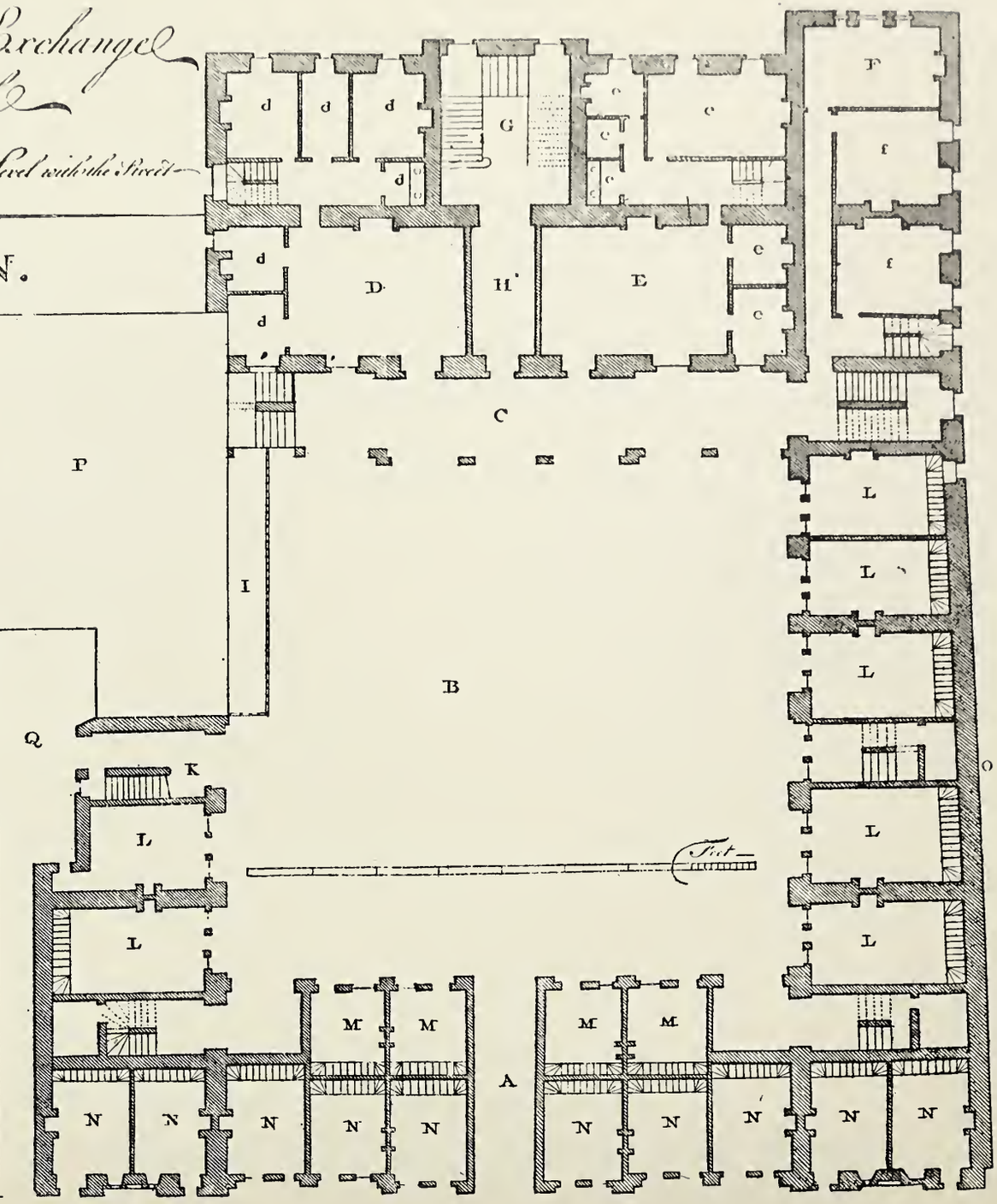
M Four Shops behind the Range to the Street

N Ten Shops on a line with the Street

O An open of four feet for dreping Eves of the Neighbouring house

P Part of the Writers Court

Q Area of Ditto



THE ROYAL EXCHANGE.

THE history of the Municipal Buildings that exist at present on the north side of the High Street is originally the history of an attempt to provide a structure which might be an ornament to the town, and supply the merchants at the same time with an Exchange; and it was only by way of afterthought that the edifice became a Town Hall. The first building of the kind was erected in the south-eastern portion of Parliament Close towards the end of the seventeenth century.[1] It consisted largely of shops, and had a range of piazzas in which the traders of the town might meet to transact business, but the design proved a failure in this respect, since the buyers and sellers still preferred their old meeting-place at the Cross. This first Exchange was destroyed by the great fire in 1700, and a second one was built immediately afterwards, but it also failed in its purpose, as the merchants still chose to discuss their affairs in the open street.

FORMER EXCHANGES.

After the suppression of the Jacobite rebellion in 1746, many circumstances helped to revive the project of an Exchange. Under the patronage of Government, trade had revived in a remarkable degree,[3] and it was felt necessary that

[1] Note I.

[2] The following extract from the Minutes shows that in 1750 the Cross had been deserted by the merchants in favour of the Statue of Charles II. in Parliament Square:—

"17*th Octr.* 1750.—The Merchants of the city having agreed that the inner or paved part of the Parliament Close around the Statue shall for the future be the Exchange or place of meeting for transacting business at one o'clock, and having applied to the Councill for their approbation thereof, and for their order that the musick bells shall begin to ring half ane hour after twelve and continue till half ane hour after one o'clock, the Lord Provost, Magistrates, and Councill do approve of the said proposall and order, and appoint the Musick Bells to begin and continue to ring as above during the Councill's pleasure, and declared they would give all due encouragement to what the merchants have agreed to."

[3] "But since the year 1746, when the rebellion was suppressed, a most surprising revolution has happened in the affairs of this country. The whole system of our trade, husbandry, and manufactures, which had hitherto proceeded only by slow degrees, now began to advance with such a rapid and general progression, as almost exceeds the bounds of probability. . . . To show the increase of the consumption of malt by an distilleric within the same period, a single example may suffice. Within the seven years preceding the 1745, there were distilled in EDINBURGH, 185,997 *English* gallons of *Aquavitæ*; but within the seven years preceding the 1752, there were distilled 723,150 *English* gallons; so that the increase since the year 1746 is no less than 537,153 gallons."—"PROPOSALS for carrying on certain PUBLIC WORKS in the CITY OF EDINBURGH," 1752, pp. 19, 21.

Edinburgh, the capital of Scotland, should be provided with buildings suitable to its importance. More than a century had passed since the last public improvements, involving the building of the Parliament Hall, had been carried out; and the fifty years almost that had elapsed since the Union in 1707, had been a period of stagnation and torpor, from which Edinburgh was just about to awake. The Resolution of the Convention of Royal Burghs of the 8th July 1752 marks the period when the proposals that had now been discussed for some considerable time[1] assumed a tangible shape. A Committee which had been appointed to consider a remit from the Convention, "touching the purchasing an area for a public forum or exchange at the Cross of Edinburgh, erecting a building on the ruins on the south side of the Parliament Close, containing a Borough Room, providing proper repositories for the public records of the nation, and the other useful works mentioned in the said remit," had reported "that they were unanimously of opinion, that they greatly approve of the intention of carrying on these works of such a public nature, and so beneficial to the capital of this part of the united kingdom." The Convention signified "their hearty approval of the said schemes," and enjoined its members "to lay the same before the town-councils of their respective boroughs on their return home," with a view to eliciting subscriptions in aid. The members were "to acquaint the Lord Provost of Edinburgh with the resolutions which their town-councils come to," and in the meantime a paper was to be drawn up and circulated throughout the kingdom containing "a full account of these schemes."

It happened also that from the general decay of the town in the previous half century convenient sites were available.[2] In September 1751, the side wall of a building of six stories high in the High Street, in which several families lived, gave way suddenly, when one of the inmates was crushed to death and others had a narrow escape. This accident occasioned a general survey to be made of the condition of the old houses, and many of those that were condemned as unsafe were pulled down, "so that several of the principal parts of the town were laid in ruins." The spot that was eventually fixed upon was one of these ruinous portions of the town which had long been in disrepute. Part of it was occupied by Mary King's Close, which had not been inhabited since 1645, and had been burnt down shortly before, in 1750. This close had been the last lurking-place of the plague in Edinburgh, and it was

Mary King's Close.

[1] "The magistrates and town council, the College of Justice, and several persons of rank who happened to be in the neighbourhood of this place, having at length taken this matter under consideration, came unanimously to be of opinion that a proper plan should immediately be drawn out of the improvements proposed to be made, and of the method for carrying them into execution."—["Proposals," &c., p. 25.]

[2] "As we have such powerful motives prompting us to undertake it; so chance has furnished us with the fairest opportunity of carrying it into execution. Several of the principal parts of the town are now lying in ruins. Many of the old houses are decaying; several have been already pulled down, and probably more will soon be in the same condition. If this opportunity be neglected, all hopes of remedying the inconveniences of this city are at an end."—["Proposals," &c., p. 24.]

believed by the populace to be haunted, "deserted latterly," as one account states, referring to the evil traditions that still clung about its name, "by all but the powers of darkness."[1]

The amount of space that was thus at the disposal of the City was so great that the Committee of the Convention of Royal Boroughs was enabled to decide upon a very extensive plan. They published in August 1752 "Proposals for carrying on certain Public Works in the City of Edinburgh," which contemplated the erection of an Exchange "upon the ruins on the north side of the high street," and "upon the ruins in the parliament close, a large building, containing such accommodation as are still wanting for the courts of justice, the royal boroughs, and town-council, offices for the clerks, proper apartments for the several registers, and for the advocates library." By a third section it was proposed to extend the royalty, to open up new streets on the north and south, and turn the North Loch into an ornamental canal; and these improvements, except this latter one dealing with the North Loch, were afterwards effected. A fourth section proposed that the expense of these public works should be defrayed by a national contribution. We can judge from this last suggestion how greatly public opinion had changed in such matters from the time, now only two hundred years since, when the city of Edinburgh was burdened with the cost of the

[1] Sir Daniel Wilson, "Memorials of Edinburgh," 1891, vol. ii. p. 18. The following is the paragraph to which reference is made in the text: "The legendary report of Mary King's Close has already been referred to. Her name has outlived any definite story, and been so long associated with goblins and the plague, that it is surprising to recover, in earlier sasines, notices of Alexander King, Advocate, as the chief proprietor here. He figures as notary in several of the St Giles's charters; gives his name for a time to the close; and was probably the father of Mary King. A punning epigram by Drummond of Hawthornden, 'on Mary King's pest,'—though written in no sympathetic vein,—suggests the idea that her name had been perpetuated as one distinguished by social position, and also by creed, among the victims of the plague-stricken close. For Mr Alexander King, a zealous Queen's man, is noted by Calderwood as 'a malicious papist' whose doings, after his return from France, called forth an indignant remonstrance from the ambassador of the English Queen. The visitation of the pest may, therefore, have been popularly regarded as a judgment of heaven on the malignant household.

> 'Turne, citizens, to God; repent, repent,
> And praye your bedlam frenzies may relent;
> Think not rebellion a trifling thing,
> This plague doth fight for *Marie* and the *King*.'[1]

The old associations of the locality furnished a tempting theme to the author of *Satan's Invisible World Discovered*. He there gives an account of apparitions seen in this close, and 'attested by witnesses of undoubted veracity,' which leaves all ordinary wonders far behind! This erudite work, written to confound the atheists of the seventeenth century, found both purchasers and believers enough to have satisfied even its credulous author; and its popularity may account for the prevalence of superstitious prejudices regarding this old close. It was, at best, a grim and gousty-looking place, deserted latterly by all but the powers of darkness, as appears from the reports of property purchased for the site of the Royal Exchange. It was nearly all in ruins, having been burnt down in 1750. The pendicle of Satan's worldly possessions, however, . . . is understood to be still standing in the nether regions of the Royal Exchange area."

[1] Drummond of Hawthornden's *Poems*, Maitland Club, p. 395.

erection of all the public buildings required within its bounds. It was now to be relieved even of the cost of buildings that were purely local, and to be provided with national buildings at the national, though not yet at the Imperial, expense.

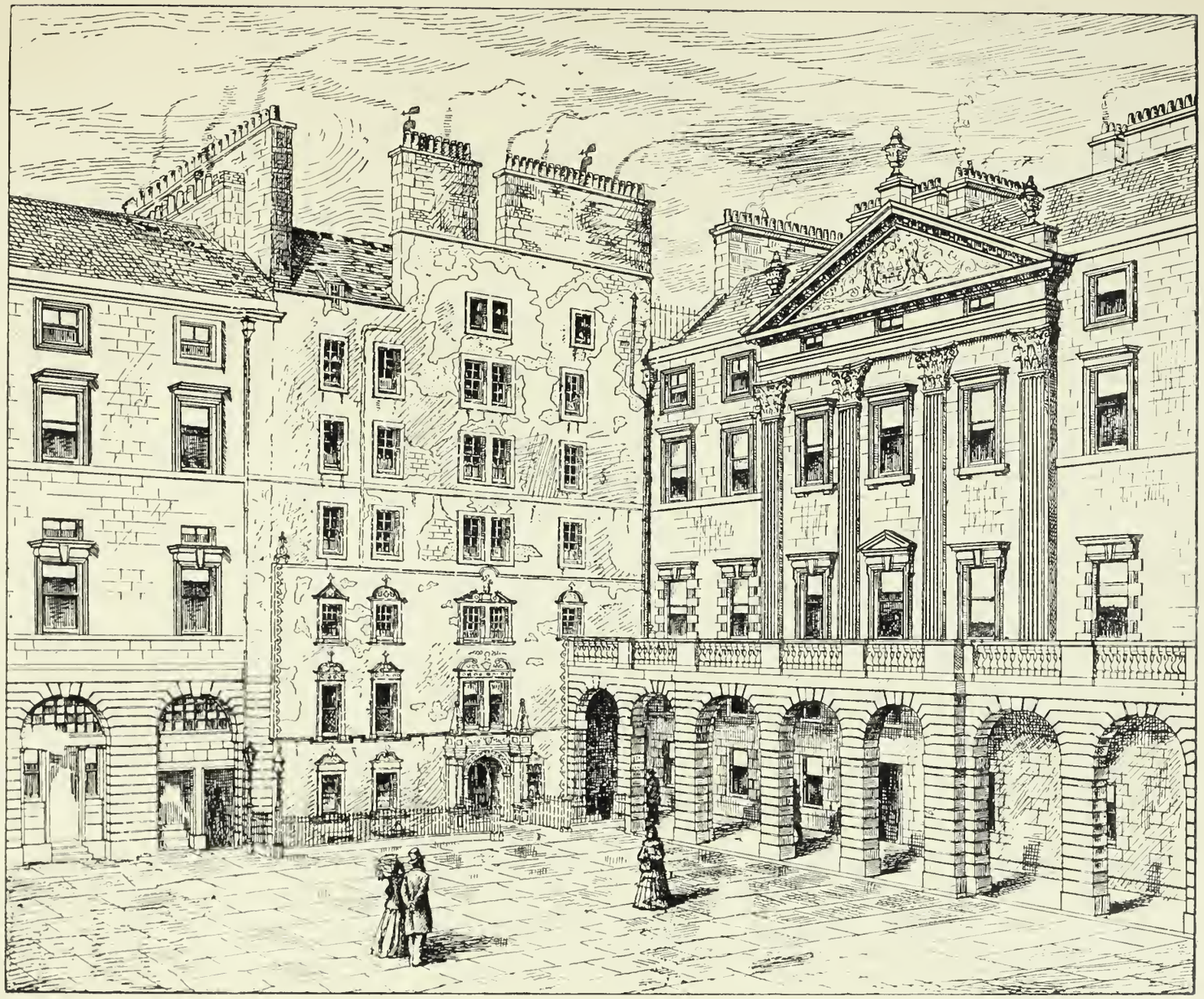
ACT OF PARLIAMENT. 1753.

An Act of Parliament was passed in 1753 which embodied these designs, and it was resolved to begin at once with the erection of the Exchange. Power was given to Commissioners named in the Act to purchase at a valuation the ground and houses necessary "bounded by the Writer's Court on the west, the stone land (Fairholm's) immediately below Adair's Close on the east, the high street on the south, and the north loch on the north, being one hundred and fifty feet from east to west, and comprehending the whole houses and ground northward from the said south boundary to the north loch." This included, besides Mary King's Close, already mentioned, another historical close, Stewart's Close, which lay next on the east, at the head of which, fronting the High Street, on the site of the present entrance to the Royal Exchange, stood at one time the house of the Provost, Sir Simon Preston, in which Queen Mary spent her last night in Edinburgh, after her surrender to the confederate Lords at Carbery Hill on the 1st of June 1567. Under the "Proposals" the "conduct and direction of the whole scheme" was "lodged in thirty-three Directors, of whom seventeen to be a quorum." Three of these were to be chosen by the Senators of the College of Justice, two by the Barons of the Exchequer, three by the Faculty of Advocates, three by the Clerks of the Signet, ten by those who subscribed to the extent of £5 sterling,[1] eight by the Magistrates and Town Council of Edinburgh; and the Lord Provost, Dean of Guild, the Treasurer, and Deacon-Convener of the Trades, for the time being, were to be Directors *ex officio*. By the Act of 1753 these were constituted Commissioners for carrying out the purposes proposed, and they, or seventeen of them—the quorum, were to meet in the laigh council-house [the New Tolbooth] on the third Monday in June 1753, and to hold at least four stated meetings every year. The Act was to be in force for general purposes till 1775. They were also empowered to call for the money subscribed, "at such times and by such moieties as they shall judge proper," and the subscriptions were to be paid direct into the Bank of Scotland or the Royal Bank of Scotland, "to be issued to the order of the Commissioners." The Convention of Royal Burghs subscribed £1500 to the scheme.

FOUNDATIONS LAID—ROYAL EXCHANGE.

In the first enthusiasm, work was begun at once. The first stone of the Exchange was laid with great masonic and military pomp on the 13th September 1753, near the south-west corner of the present square, on the spot now occupied by the north-east corner of the Royal Exchange Hotel. It was one of the last occasions on which the Magistrates of Edinburgh wore the velvet coats which had been their official dress since 1718, as it was agreed in the next year, 1754, that the gold chains and medals

[1] Note II.



VIEW OF NORTH-WEST ANGLE OF THE ROYAL EXCHANGE SQUARE

AS AT PRESENT

which are in use now should be adopted, though the Lord Provost was still to wear velvet besides.[1]

[1] It had been decreed by Act of Council of 17th September 1718, that the Lord Provost, the four Bailies, the Dean of Guild, and the Treasurer should wear Velvet Coats. The change of Civic Costume in 1754 is thus recorded in the *Scots Magazine*, Vol. 16, 1754: "The wearing of velvet coats by the magistrates of Edinburgh being an annual expense to the city, a motion was made in council the 18th of last July, by the Lord Provost, That they should be laid aside, and some other distinguishing mark used. This motion having been committed, the council, on report, enacted, July 31, and Aug. 21, That six of the velvet coats should be laid aside, and that gold chains with medals should be worn by the Lord Provost, the four Bailies, the Dean of Guild, and the Treasurer; the medal for the Lord Provost to be of a larger size than the rest; the expense in whole not to exceed £200 sterling. The device to be on the medal is, on the one side, the figure of Justice chased, and on the reverse, the arms of the city engraven. The Lord Provost is still to wear a velvet coat. . . . The Lord Provost of Edinburgh, the four Bailies, the Dean of Guild, and the Treasurer, appeared, for the first time, with their gold chains, Nov. 11, at the solemnisation of the King's birth-day."—Pp. 448, 499.

The costume of the City Fathers had been regulated previously to this by the royal order of James VI., who took much interest in sumptuary matters. The minuteness with which His Majesty set forth what should be worn officially by all dignitaries in Church and State will be seen from the following:—

EXTRACT from the Register of the Privy Council of Scotland, Volume 8, page 612, of date 16th January 1610 (we quote so much of the order only as is of Municipal interest).

"Trustie and weilbelovit counsellour, we greete you weele:—The Esteatis of that oure Kingdome having, as in mony other particularis of more moment heirtofoir, repoisit their truste and confidence in us for prescryveing and setting doun of severall soirtis of habitis and apparrell for judgeis, magistratis, and churchmen (Acts of Parl. 4 p. 435), that so the promiscuous undistinguished weiring of apparrell now used may not in ony strangereis who ar the beholdaris of it mak impressioun of the states negligence in this point: And we being by our Esteatis humblie sollicited to certifie oure pleasour and will heirin, bothe for the conveniencye of the mater itselff desirit, whiche no doubt will breid reputatioun to that Estate, and alsua impress in the commoun soirt (whome outward showe do muche move) a speciall regaird with all dew reverence towardis thame in heichest place, and also show oure willingnes to concur and advise thame heirin: Howevir, in regaird of oure other affairis of gritair importance and moment, we ar not permitted at this tyme to resolve fullie in the busyness, yitt, to gif unto thame some present satisfactioun in this thair so reasounable desyre, we haif thoght meete now only to send doun this directioun to be obeyit by suche to whome it is injoyned; resolvand not the les, at oure greitair laser and moir dew consideratioun of the busynes, the altering or adding heirto whatsoevir we sall hald fitt and expedient to augment and eik unto the same.

"As, first, oure pleasour, will and expres command is that the provestis of burrowis, aldermen, baillies and counsell of everie burgh ordinarlie weir blak gownis, lynned with some grave kynd of furring; whilkis gownis thay sall weare in thair counsellis, assemblyis, and meetingis for the affairis of burrowis, bot specialie in the conventionis of thair burrowis when thay ar chosin particulair commissionaris by the burghe where thay duell ather for Parliament or Conventioun. Whilkis gownis, after the forme and schape of burgessis and citizenis gownis, and not of ministeris or divynnis gownes, being proper for men of thair place, and ordinarly to be worne by thame afoirsaid, as most comelie and decent for thame and thair estate, according to the shape, proportioun and model of a gowne heirwith sent; whiche is to be ane example for the saidis burgessis gownis, according wherto all utheris ar to be maid. As alsua, it being verye meit and fitting that the principall grite burrowis of the realme, whilkis ar of power and habilitie, sall haif thair provest, baillies and principallis of thair Counsell to be in suche decent and comelie apparrell as apperteyneth thame to be for the decencie, comelynes, and gravitie of thair places, we thairfoir ordane and appoint that the provest, baillies and some of the principallis of thair Counsell of the townis of Edinburgh, St Johnnestoun, Dundee, Sanctandrois, Glasgu, Stirling and Abirdeyne, sall weare gownis of reid scarlatt cloathe, with furringis agreeable to the same, upoun Soundais and all utheris

But as was usual with buildings of the kind in Edinburgh, some delay seems to have intervened. In June 1754, however, it was reported that "the building of the Edinburgh Exchange is now to go on," and workmen began to pull down more of the old buildings. On the 12th of June, nine months after the laying of the foundation-stone, the contract for the building was signed; and on the 2nd July the subscribers were called upon by the Commissioners to pay "forthwith" at least one-half of the sums they had promised. The building of the west wing was begun on the 27th July 1754. The foundation-stone of the back part was laid, in the north-east corner, on September 11th, 1755, two years after the opening ceremony, and work went on uninterruptedly for several years. The contract was drawn up between the Lord Provost, four Bailies, the Dean of Guild, the Treasurer, and the rest of the Council and the Deacons of Crafts, on the one side, to whom the Commissioners had entrusted the management of the work, and a Mason, Patrick Jamieson, three Wrights, Alexander Peter, George Stevenson, John Moubray, and an Architect, John Fergus, on the other side, "all Burgesses, Freemen, Members of Mary's Chapel of Edinburgh, Undertakers for building the said Exchange." The agreement then runs, on the part of the undertakers, to take down the remains of the ruinous houses that still occupied the proposed site; to clear the rubbish, either to be spread on the Castle Hill, which was now for the first time to be levelled, or to be tipped to the northwards, ready to be used for narrowing the North Loch: and in place thereof to erect an Exchange for merchants upon the ground so cleared, with carefully described boundaries, in accordance with the Act of 1753. The Exchange was to consist of "a body of a house 111½ ft. in length from out to out, and 57½ ft. broad over walls in the centre line, and two wings or jambs projecting forward to the south from the ends of the said body, 131 ft. each, for forming the east and west sides of the

The Contract.

solemne dayis, as the ryding dayis of the Parliament, the fyft day of August, the fyft day of November, or ony uther dayis of solempnitie. And, althoght these afoirsaid townes be speciallie named for the wearing of these scarlet gownes, yet it is noway oure meaneing to seclude ony uther townis from wearing the lyke scarlet gownis who understand thair awne habilitie sufficient for wearing thairof. We do lykuise statute and ordane the provest of Edinburgh at all tymes of Parliament, Conventioun and tymes of solempnetie to weare a greit gold chayne with his scarlett gowne, and that all commissionaris frome burrowis to the parliament shall ryde to the Parliament House in thair scarlett gownis; bot yf thay be of the meaner sort of burrowis, then thay sall ryde in thair blak gownis, as they sitt in thair Counsellis," &c.

Inventories are still extant which show, that, in accordance with this royal order, there was in the "Store of the Good Toune of Edinburgh," in 1700, "in the Vesterie," "14 Scarlet Cloath roabes quhair one hath furring &c. for my Lord Provost; 4 blac floural Gowns with velvet upon necks and Laps for the Marchant Councelors and Town Clerk; 8 black plain silk Gounes for the 6 Decons and 2 trades Councellors." In 1713, there were "in the Inner room" Fourteen Rid and threttein black Gouns for the Councel"; and in 1744 in the "Wardrobe" "The Lord Provost's Goun, and Twelve Scarlet Gouns for the Magistrats, Eleven Silk Gouns for the Merchant and Trades Councellors." [See Note I., p. 97.]

The Velvet Coats of 1754 have been long since abolished, and the Scarlet Gowns restored and adopted by the whole of the Council.

square, with a range of buildings on the south, along the sides of the street, 19 ft. high from the level of the court, . . . with an entry in the centre of 10 ft. wide, . . . all to form a square court of 83 ft. from north to south, exclusive of a Piazza of 13 ft. and 89 ft. wide from east to west." This Piazza was intended to accommodate the merchants, and to serve as their meeting-place instead of the Cross. When the Exchange was completed, it was to contain—"Firstly, ten shops on a line with the street, with rooms over them; secondly, four shops behind the range to the street, with rooms over them; thirdly, seven shops within the square, with rooms over them; fourthly, ten laigh shops to the street; fifthly, eleven laigh shops within the court; sixthly, two houses on the east wing; seventhly, one house on the west wing; eighthly, other three houses, whereof two on the south end of the wings to the street, and one on the north of the east wing; ninthly, two printing-houses; tenthly, four dwelling-houses under the level of the Court; eleventhly, three coffee-houses; and twelfthly and lastly, a Custom-House. And the said ranges of building and square, when erected, to be hereafter called by the name of The Exchange, and all such building and anything of and belonging thereunto to be finished under a penalty of £1 per week on or before the 15th day of May 1762."

Specifications.

The specification of the buildings was given with great minuteness of particulars, commencing—"Particularly touching the Mason's work," and regulating the thicknesses of the walls as from 5 feet in the foundations of the north wall, to 18 inches in the cross partitions of the Custom-House. An act of the Town Council, of 29th August 1753, was also recited, authorising the agreement, and the agreements already made for the purchase of the areas required, for the sum of £11,749, 6s. 8d. at least, which was the sum to be charged to the undertakers, who bound themselves to do their part of the work for £19,707, 16s. 4d. This made the whole expense of the undertaking, on their part £31,457, 3s. sterling. The magistrates engaged to advance to the Undertakers £18,000, for which interest at four per cent. should be paid, being one per cent. below the legal rate, but it would seem that only £4100 was actually lent, and this during the years 1756 and 1757. The different properties were to be sold as they were completed, and titles given to them by the Magistrates, who were to receive the purchase monies under certain conditions which guaranteed them against any loss. Forty per cent. of all receipts was to be handed over to reimburse the Magistrates for the purchase of the areas. The remaining sixty per cent. was to be given on account of the advances, and the Undertakers were to pay any balance "within twelve months after the foresaid term of Whitsunday in the year 1762, at which time the whole buildings are to be compleatly finished, and that whether all the houses or shops are sold or remain unsold, with a fifth part more of penalty in case of failzie, and the legal interest thereof yearly . . . and to the end the public may have a return

of part of the money so to be advanced for carrying on the said work, and have no chance of being out the whole foresaid sum of £18,000; the said Undertakers also become bound to finish and compleat the whole front-shops to the street, and all the buildings in the west wing, and that on or before the term of Whitsunday 1757." The Magistrates reserved power to keep the portion intended as a Custom-House in their own hands, and valued it at close upon £6000. This power was afterwards exercised, and the twenty rooms of the building used for this purpose were held from them by the Government at a rent of £360 a year. All the rest passed out of their hands through the Undertakers, except an office for the Chamberlain, described in 1766 as "a shop in the front of the New Exchange." The square was never finally completed, as an old building in Writer's Court, now more than 200 years old, and used at the time by the Writers to the Signet, was incorporated into the western side, but the square remains now practically as it left the Undertakers' hands a hundred and forty years ago.

Unprofitable for the Undertakers.

The enterprise does not seem by their own showing to have been a profitable one for the Undertakers. The city failed to implement its agreement with them for the advance of £18,000, and they were compelled to borrow the sums they required at the legal rate of five per cent.; the merchants never resorted to the Piazza, but still congregated at the Cross; and many of the shops and houses, which had been valued in the expectation that their proximity to the meeting-place of the merchants would increase their profits, were disposed of at sums considerably less than the valuation. But however unprofitable it may have been for the Undertakers, it turned out a very successful speculation for the town. In 1765, when further considerable improvements were on hand, an account was prepared, that the surplus might be devoted to the projected North Bridge, when "The Clerk to the Trustees reported that the purchase money of the buildings sold would not only be sufficient to clear the money contracted from the two banks and the whole of the Trustees their engagements, but leave a free fund of £211, 14s. 5½d., and that there was likewise an acknowledged balance due to the public by the undertakers of no less than £2006, and that of the subscription money unrecovered there was outstanding no less than £1175, 16s. 6d., all which sums and funds the trustees agreed to assign and make over to the Magistrates and Council for the purpose aforesaid [building the North Bridge], upon the passing of an Act of Council previous thereto, for relieving the Trustees of all their engagements." An Act was afterwards passed in these terms, which terminated the connection between the Trustees and the Exchange. It does not appear how much was handed over for the building of the North Bridge, as it was acknowledged that the prospects of payment of many of the subscriptions were doubtful. Already in 1764 (25th July) and again in 1766 (11th June) the Undertakers had memorialised the Council that they were unable to pay the

balance of £2006 declared to be due by them. As a remedy for their failure it had been resolved in 1764 "to expose the properties still unsold by Public Roup at one-sixth less than the present price, and if not sold to be exposed in another month, at one-sixth less than the reduced price, and it was reported in January 1765 that all the remaining properties" were disposed of. On June 11th 1766, the Council agreed to spread the sum claimed from the Undertakers over three years, on security being given by them through their friends, in spite of their complaint that the place had never become an Exchange, and that they had expended on the building upwards of £700 sterling "of their own private cash"; and on August 6th of the same year a full discharge of all monies and balances due was signed in Council and granted to the Undertakers to be delivered against bonds from four of them, excluding the Architect, for £501, 10s. each, and with this discharge the history of the construction of the building ends.

SCHEMES FOR BETTER MUNICIPAL ACCOMMODATION.

About this time, also, in the years 1763, 1764, and 1766, various schemes were proposed for the erection of a room for the Convention of Royal Burghs and a Council Chamber, and a building for keeping the Public Records on the ruins to the south of the Parliament Close, where such a Burgh or "Burrow" Room had existed in the first half of the eighteenth century. The site was fully acquired but nothing definite was done,[1]

[1] No further steps were taken to provide a building for the National Records or a room for the Convention of Royal Burghs. The Convention has no special accommodation of its own, but holds its meetings in the Royal Exchange and in one of the Courts in Parliament Square. The contribution of £1500, voted by the Convention in 1753, was not considered as a contribution towards the cost of the Royal Exchange, but as a general contribution towards the extensive "Public Works" scheme of the time, which was never carried further than the erection of the Exchange. It is clear, however, that the Convention of Burghs expected to have suitable accommodation provided for them in return for the £1500, though in this they came off not much better than the "Undertakers" of the Exchange. But for this the Town Council was not to blame. See the following extracts from the Convention Records :—

"*7th July* 1752—*Act* 16*th*.—The same day the preses of the Convention made a motion signifying, it had been some time under consideration, that at present a proper opportunity occurred for having an Exchange or Public Forum on the north side of the street, near the Cross, by purchasing a large area, and removing back the front of the new buildings to be erected, where the ruins now are, and that if there was a covered walk on the north side of the said area, it would render the Exchange commodious for merchants and people of business. There was also a project, how a building might be erected on the ruins to the south of the Parliament Close, where the Burrows Room and Council Chamber formerly stood, to contain a great room for the Royal Burrows of Scotland and their Annual Committee to meet in, a convenient Council Chamber for the Magistrates to meet in for the dispatch of business, a dwelling-house for the residence of the Provost during his office. That plans of those had been made out by a skilful hand."

"*3rd July* 1753—*Act* 14*th*.—The same day George Drummond, Esq., represented to the Convention, that in consequence of the Remit to their last Committee a full account of the scheme for the improvement and ornament of the City of Edinburgh had been printed and dispersed through the nation. That in general there appeared an uncommon spirit for promoting the intended public works. That many of the nobility and first gentry of the nation had contributed handsomely to that purpose, and persons of the first figure for rank and character had accepted of the trust reposed in them by Parliament for executing these works. That as this public spirited scheme had taken rise in the Convention, he made no doubt but the state of Burrows would with unanimity by a generous assistance contribute to promote

till the provision of further Municipal Buildings became an absolute necessity after the condemnation of the New Tolbuth or Council Chamber, which had existed for nearly two centuries and a half at the south-west corner of St Giles', and had been the home of the Corporation for that lengthened period. The action of the Magistrates was hastened by an intimation from the Court of Exchequer in August 1809 that they would have no further occasion for the part of the building occupied by them as a Custom-house after Martinmas of that year. The Council advertised these premises to let, but the offers made were not satisfactory; and before long the Council decided upon using the vacant range of buildings for their own purposes, since they would soon be without accommodation for many of their offices, and would be altogether without a Council Chamber. It cannot be said that this resolution was at all premature, or that the Council had acted precipitately in the matter. The Departmental Offices of the period were scattered over Old Edinburgh, and it was fast becoming a question of necessity, as much as one of the public convenience, to consider how they should be collected, as far as possible, under one roof. In May 1810, a report was ordered to be drawn up of the way in which the different Public offices were lodged, and suggestions were made as to how the vacant rooms in the Royal Exchange might be utilised. A Committee was also named at the same time to give effect to the recommendations,[1] and most of the changes proposed were afterwards

so laudable an undertaking for providing a proper hall for the Convention of the Royal Burrows, securing the public records of the nation, and adorning the capital of this part of the United Kingdom, which being considered by the Convention, they remit to the Burghs of Edinburgh, Perth, Dundee, Aberdeen, Stirling, Linlithgow, Glasgow, Dumfries, Dumbarton, Dunbar, Renfrew, Tayne, Annan, Dysart, Montrose, Queensferry, North Berwick, and Stranraer, as a Committee to meet to-morrow at ten o'clock in the Laigh Council House, and report their opinion to the Convention what sum should be given by the state of Burrows for promoting the improvement and embelishment of the City of Edinburgh."

"*4th July* 1753—*Act 22nd.*—The same day the Committee appointed last sederunt to consider what should be done with regard to the intended Public Works in the City of Edinburgh by the Convention, gave in the following Report:—The Committee appointed to consider the Motion relative to the scheme for improving and ornamenting the City of Edinburgh and carrying on the Public Works there, being satisfied that the same will not only tend to the ornament of the Capital of this part of the United Kingdom, but prove a national advantage as well as become useful to the State of Burrows by providing them with a convenient Burrow Room, do therefore report as their unanimous opinion that the Convention should encourage this extensive undertaking, by, once for all, contributing something handsome towards carrying it into execution. But in regard some of the Burrows are engaged in useful and expensive works at home, and others, however liberally disposed, may have difficulties to struggle with, do on these accounts propose that the Convention should agree to give £1500 sterling towards carrying on and perfecting these works, and that the same should be payable in six proportions, each proportion to be charged annually on the missives. With this express proviso, that no more is to be contributed by the Burrows for carrying on any or all of these works, and that the building of the Burrow Room and Repository for the Public Records be carried on with the utmost expedition, which report being considered by the Convention, they unanimously approve thereof, and enact and ordain accordingly."

[1] The Minute of May 16th, 1810, states that a memorandum was read of the manner in which the Public Offices of the town of Edinburgh and the different inferior Courts are at present accommodated, and what

CITY CHAMBERS, AS AT PRESENT (FROM SCOTT MONUMENT)

carried out, when it was agreed to convert the Royal Exchange, so far as was practicable, into a City Hall. As this report is of importance historically in settling the position of the City Offices at the time, we give a copy of it in full :—

"Memorandum of the manner in which the Public Offices of the Town of Edinburgh and the different inferior Courts are at present accommodated, with what appears requisite for their suitable accommodation. Municipal Buildings in 1810.

The buildings at present appropriated for the above purposes are :—

1. The old tenement in which the present Council Chamber and old Justiciary Court-house is situate.
2. The house in which the Chamberlain holds his office in Bank Street.
3. The Aisle on the north side of St Giles' Church in which the Town Clerk's offices are kept.
4. The Dean of Guild Office in the Parliament Close.
5. The hired Offices of the Superintendents of Public Works and of Water.
6. The Town Charter-house.

The present site of the Council Chamber will soon be required for the new buildings now erecting by the Parliamentary Commissioners, who, it is presumed, will contribute in some manner towards procuring accommodation in lieu of it. The grievous inconvenience arising from the want of proper apartments in connection with the Council Chamber has been long and seriously felt. But if this building is removed, accommodation must not only be provided for the magistrates and City Courts, but a proper Court-room or rooms must also be had for the Admiralty, the Commissary, and the Sheriff and the Justices of Peace of the County. The Town of Edinburgh are certainly not to be at the expense of fitting up these, and if they can furnish the rooms necessary the different Courts ought to pay for the accommodation.

In the view of the Building in the Royal Exchange belonging to the Town being converted to this use, the following is submitted as a sketch of the different objects to be provided for, with the probable space that each will require :—

1. A room for the meetings of Council in lieu of the present Council Chamber, in connection with which there ought to be at least two Committee rooms, a room or office for Clerks, a Hall for the City Officers, and a safe place for detaining offenders under examination, &c.

appears requisite for their suitable accommodation in the view of the building in the Royal Exchange being converted to their use. The Council remitted these matters to the first and fourth Bailies, the Dean of Guild, the old Dean of Guild, and the two Deacons of Mary's Chapel, with Deacon Anderson, to examine and report.

2. A Court room in which the City Courts—viz., the Bailie Court, Dean of Guild Court, and Small Debt Court ought to be held, and in this room the sitting magistrate might also hold his daily Police Court.
3. Another Court room for the Admiralty, Commissary, and County Courts, of the Sheriff and Justices of the Peace, if they chose to pay what shall be considered an adequate rent, or perhaps the Court room for the City Courts might be made to answer these purposes, in which case it would be necessary for the magistrates to hold their daily Police Court in the room to be appropriated for the Council Chamber, as is done at present.
4. Chamberlain's office will require at least two business rooms and a waiting-room,—the Committees being provided for in connection with the Council Chamber.
5. Town Clerk's Office. The principal clerks are at present without any accommodation, and the different departments of the office very ill off. Indeed, without great care the Town's records must have suffered very much from the damp and confined place in which they are presently deposited.
   (1) Council record office will require a good room with very extensive accommodation for Books of Record and papers and vouchers of different kinds.
   (2) Burgage Sasine Office, the same with equal accommodation.
   (3) Burgh Register of Bonds and Bills, one room with less accommodation.
   (4) Bailie Court Office, a room with considerable accommodation.
   Besides all which a proper room for the principal Clerks.
6. Dean of Guild's Office.
   The Clerks and papers will require one room with good accommodation. The Court will require a private Consultation room.
   The Officer must have proper apartments for his weights and measures, and apparatus for stamping and adjusting these.
7. Apartments for the superintendents of Public Works and Water.
   Independent of what is above stated, it would be of advantage to have some spare rooms in which the Procurator-Fiscal might take his precognitions. And where such a work as that at present on hand of indexing the Records of Council might be conducted, without the risk of removing the records to a private house.
8. If a safe Charter house could be made, it might be advisable to remove the principal Title Deeds of the Town from the place where they are at present deposited.

In the way the Town's Offices are at present kept a very considerable sum must be annually paid for cleaning them out, lighting the fires, &c., all which, were they

to be concentrated under one roof, might with propriety be put under the charge of a housekeeper who should live in the house.

If the Magistrates shall deem it prudent to adopt this plan it will be necessary to provide separate entrances to the offices. It would never answer to make the access to these by the approach to the Council Chamber and Court-rooms, which will often be in such a state from a crowd of people to prevent either ingress or egress to or from the offices."

There is endorsed on the back of this document the following, viz. :—

"16*th May* 1810.—Remit to the 1st and 4th Bailies, The Dean of Guild, Old Dean of Guild, The Convener of the two Deacons of Marys Chapel, with Deacon Anderson, to examine and report."—(Intd.) "W. O."

THE ROYAL EXCHANGE BECOMES THE CITY CHAMBERS.

On July 18th, 1810, power was granted to the Committee appointed for the purpose to carry their recommendations into effect, since they reported that the whole expense of the alterations would not exceed £900.[1] On the 10th of October in the same year, estimates were passed for repairs and alterations amounting to £427, and for painting to the amount of £98 ; and on March 27th, 1811, an expenditure of £169, 1s. 11d. was authorised for the furnishing required in the different offices. The Royal Exchange was now ready for occupation, and the final act of its conversion to Municipal uses occurred on the 14th May 1811, when the Lord Provost, Magistrates and Council, after having been present at the laying of the foundation-stone of St George's Church in Charlotte Square, "walked in procession to the New Council Chambers and City Chambers in the Royal Exchange, of which they took possession, and where all the city business will now be transacted."[2] The portion of the building occupied for Municipal purposes has been known as the City Chambers ever since.

[1] "18*th July* 1810.—The Committee named on the 16th of May last for the purpose of appropriating the building in the Royal Exchange into a set of public offices, gave in a report on that subject of the following tenor :—

'The Committee formerly appointed to inspect the public building belonging to the town in the Royal Exchange, being satisfied that it will afford complete and ample accomodation for all the Cities offices, and having directed the Superintendant of Works to make out a plan with the proposed alterations as arranged by the Committee, by which it appears that the whole expence of these alterations, fitting up the rooms with proper shelves, painting, and, in short, rendering the whole ready for the reception of the different officers, will not exceed the sum of £900, Bailie Gilchrist moves, That the Council do now adopt the said plans for the better accomodation of the Cities offices, and that power be given to the above Committee to carry the same into effect.'

Which Report having been considered by the Magistrates and Council, they agree to the same, and granted power to the Committee to carry the different particulars into effect, with instructions to order particular specifications of the different kinds of work, in the view of advertising for estimates of the expence of such work."

[2] "14*th May* 1811.—The Lord Provost, Magistrates and Town Council met in St Andrew's Church, New Town, from whence, a little after two o'clock, they walked in procession to the west end of

PROPERTIES RE-PURCHASED.

It had been reported, as we have said, in January 1765, that all "the remaining properties" had been sold. The history of the Royal Exchange since 1811 is mainly the history of the re-purchase of that portion of the buildings southward to the middle of the quadrangle, which had been thus alienated. The southern side of the square, that which faces the High Street, and the southern half of the eastern and western wings, remain still in the hands of private owners, the successors of those to whom the different properties had been sold in 1764 and 1765. The Town Council had retained possession of that part which had been intended for a Custom-house, and which had been so used for half-a-century, with its range of twenty rooms. They have since bought back the remainder of the main building and the eastern wing, with the exception of a saw-maker's shop in the basement and a cellar, and in 1893 they obtained powers to purchase the old building in Writer's Court which forms the north-western portion of the present square. The re-acquisition of the property alienated in 1765 has been a slow process. In 1858 the Council bought for £2100 a house "under the Custom-House, now the City Chambers." This house—which had been occupied as a Bank—and other premises obtained at the same time are now occupied by the City Chamberlain's Offices, and the Offices for the Roads Departments. The house now occupied by a Water Officer was bought in 1857 for £300. The premises occupied as the Gas Meter Inspector's Office cost £200 in 1859. The right to the area and green at the back of the Exchange was acquired in 1849. The portion occupied by the Water Trust Offices and the City Superintendent of Works was bought in 1869 from the Governors of Heriot's Hospital for £3000. Part of the Water Trust Public Office was bought in 1882 for £280, and another part (the upper part) in 1887 for £400. Part of Committee Room No. 4 and the Museum cost £1210 in the same years, 1882 and 1887. The retaining wall near Cockburn Street was acquired in 1891 for £650, and other portions became the property of the town, and were turned to Municipal uses in 1859, 1862, 1871, 1887, and 1889.

The City Accounts show that, including the purchases enumerated above, the Town Council of Edinburgh has, since 1857, acquired properties in and adjoining the Royal Exchange at a cost of £13,333, and that since 1890 £7431 has been expended in addition to this upon works and permanent fittings for the improvement of the

Charlotte Square, where the new Church (St George's) is to be built. They were accompanied by the Rev. Dr Moodie, the Rev. Mr Brunton, and the Rev. Dr Macknight, three of the ministers of this city, the Master of the Merchant Company, and several other gentlemen.

After the foundation stone had been laid, the Lord Provost (Wm. Calder, Esq.) addressed the gentlemen in a speech and—. . . After the ceremony of laying the foundation stone was finished, the Magistrates and Council walked in procession to the New Council Chamber and City Chambers in the Royal Exchange, of which they took possession, and where all the city business will now be transacted." —*Scots Magazine*, Vol. 73, 1811.

City Chambers.[1] It will be seen from these figures that the total expenditure upon the Municipal Buildings of Edinburgh within the last forty years amounts to the sum of £20,764; and it is important to note that no part of this has been drawn from the Public rates. The whole of the money that has thus been necessarily spent in the provision of accommodation for the offices of the town, and for the other purposes demanded by the growing needs of the citizens and the Capital of Scotland, has been entirely defrayed from the surplus revenues of that ancient and valuable fund, the Common Good.

[1] Note III.

NOTES ON THE ROYAL EXCHANGE.

I.

Page 111. The First Exchange.—The following extracts from the Minutes of the Town Council show that this Exchange,—which is spoken of sometimes as the Exchange of 1685 (page 102), since that was probably the year in which it was first occupied,—was built in much the same way, and for the same purposes, as the Royal Exchange, seventy years later. It will be seen, moreover, that the first Exchange also was a Municipal Building, in being the property of the Council. Nothing further is known about this Exchange than is thus revealed from the Records, which furnish in this case a note-worthy instance of public-spirited policy on the part of the rulers of Edinburgh in the period before the Union. The re-building of the Exchange, after its destruction in 1700, is a proof that this was no spasmodic effort, but only an episode, in the generally enlightened and progressive system of government, that collapsed after 1707.

Disposition—The good Town in favour of Tho. Robertson, of the waste ground in the Kirkheugh.

Council Records, Vol. xxix., fol. 219, 7th April 1680.

Forasmuch as Thomas Robertson, late Treasurer, has undertaken to build a beautiful and specious Exchange conform to a draft thereof to be drawn by Sir William Bruce of Balcaskie,[1] and that upon his own expences, on condition that the Council dispone to him the heritable right of the waste bounds lying betwixt the said Thomas Robertson his new built lands and the Parliament Close, and grant him a valid feu right thereof for payment of the yearly feu duty under written, and that the Council perform to him several other obligements contained in a Contract made between the Council and him, of the date of these presents, Therefore the Council agree to dispone in feu ferm to the said Thomas Robertson and Mareon Cleghorne his spouse in conjunct-fee and liferent, their heirs, &c. heritably and irredeemably under the reservations, etc. under-written, All and Whole that Piece of waste ground and bounds pertaining to the Council lying upon the south side of the Parliament Close and bounded as follows, to wit betwixt the lands and building pertaining to James Abercrombie, merchant, upon the west, the lands and buildings lately built and pertaining to the said Thomas Robertson upon the south, and also bounding from the north-east part of the said Thomas Robertson his said new lands and buildings up by a straight line on the west side of the Vennel called the Kirkheugh to that shop of the Goldsmiths' shops which is presently possessed by Thomas Yorkstoun goldsmith in the Parliament Close upon the east and from the south-west part of the said Thomas Yorkston his shop by a straight line to the north-west cunzie of the Parliament House upon the north part on the one side and others, with free ish and entry, etc. Reserving to the good Town free ish and entry to the low Room under the Parliament House where the Registers lie; and also Reserving to the good Town for the public use that piece of waste ground betwixt the east corner of the Parliament House and the dyke at the west end thereof for a garden; and Declaring whenever the Exchange shall be built conform to the Draft above specified and the work thereof finished, that the same Exchange together with the walls thereof covered and uncovered and the open Court thereof and the entry thereto shall appertain to the good Town: And further that the entry to the said Exchange shall be made straight off the Parliament Close in the middle of the fore booths in the Parliament Close, and the Lock and Door shall be made upon the said Thomas Robertson his charge and expence, but that the good Town shall uphold the said Exchange at the gates, doors, bands, and locks in all time coming after the delivery of the Keys thereof: and the Council to be bound after delivery of the said Disposition to the said Thomas Robertson and his spouse foresaid to subscribe a

[1] Sir William Bruce was also the architect of the modern portion of Holyrood Palace.

Charter of the ground above disponed for infefting him and his said spouse therein containing a Reddendo of £10 Scots yearly feu duty to be paid to the Lord Provost, Bailies and Council; and the Dispo. to bear warrandice from the said Magistrates and Council their proper facts and deeds allenarly; and the provisions, etc. above mentioned to extended in ample form in the said Disposition and to be registered in the Council Books.

Council Records, Vol. xxix., fol. 219 —*continued.*

Contract betwixt the good Town and Thomas Robertson, anent the building of an Exchange.

Forasmuch as the Lord Provost, Bailies, Dean of Guild, Treasurer, Council and Deacons of Crafts of the burgh of Edinburgh for themselves and as representing the whole body and Community of the said burgh by their Disposition of the date of these presents have disponed to the said Thomas Robertson and Marian Cleghorn his spouse All and whole that piece of waste ground and bounds pertaining to the good Town lying upon the south side of the Parliament Close, and bounded as follows, to wit, betwixt the lands and building pertaining to James Abercrombie merchant and late Bailie of Edinburgh upon the west, the lands and buildings lately builded and pertaining to the said Thomas Robertson on the south and also building from the north-east part of the said Thomas Robertson his said new lands and buildings up by a straight line on the west side of the Vennel called the Kirkheugh to that shop of the Goldsmiths' shops which is presently possessed by Thomas Yorston goldsmith in the Parliament Close upon the east and from the south-west part of the said Thomas Yorkston his shop by a straight line to the north-east cunzie of the Parliament House upon the north parts upon the one side and other, with free ish and entry, etc., on condition that the said Thomas Robertson build a spacious Exchange in the said Parliament Close, conform to a Draft to be drawn by Sir Wm. Bruce of Balcaskie, Clerk of the Bills: And seeing that the said Thomas Robertson obliges himself by these presents to build the said Exchange upon his own Charges, complete the same, and deliver the Keys of the entries thereof to the said Lord Provost, etc., betwixt the date hereof, and the day of June 1681; and the Council considering that the said Thomas R. will be at extraordinary expences in ornamenting and beautifying said Exchange, in regard of the carved work that is to be upon the entry, laying of the walls thereof with black and white marble, and the extraordinary work upon the pillars and several other parts of the same which tends only to the beautifying of the said Exchange, which they conceive to be both hard and unjust that the same should be upon the said Thomas Robertson's own charges and expence, therefore the said Lord Provost, etc. bind themselves to repay the said extra expences to the said Thomas R. at the completion of said Exchange, conform to the valuation of persons mutually chosen for that effect, and that within the space of half a year after the completion of said work.

Report of the Lord Provost anent the Exchange.

Vol. xxix., fol. 241, 28th July 1680.

Sir James Dick Lord Provost reported that the Lords of Privy Council and Lords of Session had acquainted his Lordship, that it was fit the Design of the Exchange should be altered and the Exchange enlarged; and that the Pillars upon the fore work thereof must be filled up with stone work of asler, and the fore building heightened and a Gallery made therein in the entry whereof they judged would be fit to be through the Exchequer House, and that the same should be covered with lead; and that this design his Lordship had communicated to Thomas Robertson, and that he had held forth to him how profitable it would be to him upon the account that his shops would be greatly enlarged; and that his Lordship and the said Thomas Robertson had been reckoning the estimate of the whole and they judged it to be £400 stg. And that the Lords had condescended to give £150 sterling to Thomas Robertson and the mason Mr James Smith out of favour by way of drink money or what otherwise the Council pleased to term it, and that for a help toward the said building.

The Council do recommend to Charles Charters and Thomas Douglass bailies, James Fleming, Dean of Guild, Magnus Prince, Treasurer, Deacon Cleghorn and Deacon Nisbet to meet with Thomas Robertson and to hear his offers as to the charge of the said building, and to settle with him thereanent, and for a Disposition to the good Town to the upper storeys above the shops and to report

Vol. xxix., fol. 245, 11th August 1680.

[The following is written on the margin but the leaf is left blank.]—

"Agreement betwixt the good Town and Tho. Robertson anent the new building at the entry to the Exchange, vizt. The Room for the Lords of the Treasury which was never yet fully concluded upon, and this is the reason why this is left blank."

Council Records. Vol. xxx., fol. 153. 1st Nov. 1682.

The Council Statute and ordain that the whole Cramers that keep crames or little shops either opposite to St Giles or on the side of St Giles Kirk, that they repair to the upper Exchange in the Parliament Close, and accomodate themselves there betwixt and Martinmas next, with certification that if they be found possessing their said shops where they now possess then after said term, their crames shall be locked and they unlawed in a certain penalty to be exacted without favour.

Vol. xxx., fol. 156. 17th Nov. 1682.

Elect Walter Leishman, merchant to be Keeper of the Exchange, and appoint the Treasurer to provide for him a Black Gown, a Hat, a Staff, and a Suit of black Clothes, who being present and accepting his office made faith.

Vol. xxx., fol. 200, 27th June 1683.

Goldsmiths' shops in the Parliament Close to be taken down.

The Council considering that the Goldsmiths' shops in the Parliament Close must be now presently taken down, for enlarging the Court conform to the design laid down by His Majesty's Privy Council, in consideration whereof Thomas Robertson is erecting "ane Fabrik" at the head of the Kirkheugh: And that the said Thomas Robertson offers to causeway the said Court from the "plaine stones" upon the west side of the stowps in the said close eastward to Mr Alex. Paterson's building; Therefore the Council agrees that the said Thomas Robertson in lieu of his expences as to the laying of the Causeway of the said Court eastward from the said plain stones the length of Mr Alex. Paterson's land and the breadth of the Court, shall have the whole stones and timber of the said shops for his use to be disponed upon at his pleasure.

Vol. xxx., fol. 201, 18th July 1683.

Elect Alex. Montgomrie, merchant, to be Keeper of the Exchange in place of the deceased Walter Leishman last Keeper thereof.

Vol. xxxii., fol. 212, 8th June 1688.

Appoint for the Town's part, Robert Mill, master mason, and Andrew Shearer, mason, to meet with the Committee, and Mr Jas. Smith, and Andrew Paterson, chosen by Thomas Robertson eldest son and heir of the late Thomas Robertson, Bailie, to put an estimate upon the beautifying work of the Exchange mentioned in the Contract passed between the good Town and the said deceased Bailie Robertson; and also as to the heightening of the Gray Friars steeple.

Vol. xxxiv., fol. 213, 15th July 1693.

Renunciation granted by Thomas Robertson, son and heir of the deceased Thomas Robertson late Bailie of Edinburgh, with consent of Marion Cleghorne his Mother, and of Mr Hary, John, William, and George Robertson his brothers, in favour of the good Town of Edinburgh, narrating, *inter alia*, a Disposition by Sir James Dick, Provost, and the Bailies and Council of Edinburgh for the time, to the said deceased Thomas Robertson and his said spouse, of date 7 April 1680, disponing to them that piece of waste ground besouth the Parliament close and be-east the Parliament House, and bounded in manner described in the said Disposition: Reserving to the good Town that piece of waste ground betwixt the east corner of the Parliament House and the dyke at the west end thereof for a garden, conform whereunto the said Thomas Robertson was infeft in the said ground by an Instrument of Sasine dated 25 January 1688; and whereby the said Thomas R. became bound to build a beautiful and spatious Exchange of 70 feet square upon the said ground, conform to a Draught by Sir William Bruce of Balcaskie; and also to denude himself of the said Exchange and of the Treasury Room built upon the said waste ground next to the Parliament House, for which the said good Town was to pay to him a considerable sum of money: And now seeing the said (meal market) and the Laigh Exchange are perfected conform to the provisions contained in the said Dispositions and other agreements before specified; and Likewise that the (said) High Exchange is perfected, and that upon the granting of these presents, George Warrander, merchant, present Town Treasurer, has paid to the said Thomas the sum of £3,387, 4s. Scots in complete payment of the Balance of the Accounts between the good Town and the said Thomas; therefore the said Thomas Robertson, with consent foresaid, Renounced in favour of the said good Town of Edinburgh, the foresaid meal market with the Close and Court thereof both without and beneath, together with the Over Failzeing within the pillars; as also the said Laigh Exchange with the open Court thereof and the Walks both covered and uncovered, as the same is lately built and beautified; and Sicklike the foresaid Treasurie

Roumes which are immediately above the Chambers possessed by the Commissaries of Edinburgh, and by Mr John McKenzie and James Justice two of the Clerks of the Session; and likewise the two Entries back and fore to the said Laigh Exchange; and in like manner the Entries to the said Meal market by the two gates entering from the Cowgate and from the two Turnpykes be-north the said meal-market up and downe the same and from the Parliament Close; and with free ish and entry to the said Laigh Exchange from the Parliament Close through the Entry that enters to the said two Chambers below the above written Thesaurie Rooms; and Sicklyke that piece of waste ground betwixt the east corner of the Parliament House and the dyke at the west end thereof for a garden. Dated at Edinburgh 7 and 13 July 1693. Council Records, Vol. xxxiv., fol. 213, —*continued.*

The Treasurer reported that he had paid to Thomas Robertson the sum of £3,387, and had received the Keys of the Meal Market and of the Exchange, which he has in his custody as belonging to the good Town; and also produced Thomas Robertson's Resignation and Assignation of the Meal Market, Laigh Exchange, (&) Treasury Rooms, which the Clerks received to register in the General Register. Vol. xxxiv., fol. 228, 26th August 1693.

The Council Ratify an Act of Council, of date 1 Nov^r. 1682, whereby all Keepers of crames or little shops opposite to St Giles or on the side of St Giles Kirk are appointed to repair to the Upper Exchange belonging to the deceased Bailie Robertson after Martinmas thereafter; And of new discharges all the cramers opposite to St Giles to keep their crames therein and appoint the said cramers to repair after the term of Martinmas next 1694 to the Upper Exchange belonging to Thomas Robertson son and heir to the deceased Bailie Robertson. Vol. xxxv., fol. 37, 1694-1697, 11th July 1694.

II.

Page 114. Subscriptions to the Building of the Royal Exchange.—The collecting of subscriptions towards defraying the expenses of the Exchange Building on the north side of the High Street was only in accordance with the precedent that had been set on the occasion of the erection of the Parliament House. The following is a copy of the original subscription list preserved in the Antiquarian Museum:—

"We Subscribers being informed that the Town Council of Edinburgh, The Lords of Session, Barons of Exchequer, Faculty of Advocates, Writers to the Signet, and Numbers of Noblemen Gentlemen and Burgesses have it under consideration that by removing the front of the Buildings to be raised on the North side of the Street at the Cross a convenient space backward a handsome Exchange or publick Forum may be procured in the said City And the same rendered commodious by adorning it with a covered Walk on the North side of the Area. As Also that a Building may be erected on the ruines to the South of the parliament Close where the Borough Room and Council Chamber formerly stood to contain a great room for the Convention of the Royal Burghs of Scotland and their annual Committee, a Convenient Council Chamber for the use of the Magistrates, for the daily dispatch of publick Business A dwelling House for the Lord Provost during his office, a Robing Room for the Lords of Session a handsome Library for the Faculty of Advocates, that room may be made for lodging the publick Records of the Nation and to provide convenient office for accomodating the Principal Clerks of Session, Clerk to the Commission of Teinds and Clerk to the Justiciary, that the papers, Warrants and Records under their care may be safely lodged As also in the view of extending the royalty, that easy access be made to the high Street both from the South and north sides of the City and the North Loch made an Ornament in place of a publick Nuisance And being sensible, that the City Revenue is not sufficient for answering so great an Expence as will be necessary to the carrying on and perfecting these useful and ornamental Works which cannot but tend to the great Advantage of the Nation as well as prove beneficial to the Capital City of this part of the united Kingdom We do therefore agree to pay the following sums annexed to our respective subscriptions upon the Conditions and agreeable to the plan of Management to be concerted and approved of by a Committee of the Council of the City and Com-

mittees of the Lords of Session, Barons of Exchequer, Faculty of Advocates and Writers to the Signet

Fran. Farqrson for self
Ten Guineas
Fran. Farqrson for Collonele
Hallyburton of
Five Guineas
Geo. Buchan of Lelle
for Ten Guineas
Robert Brisbaine
For The Rt Honble
The Earl of Abercorn
Fifty pounds sterling

William Maitland
Five pounds sterlg.
Wille. Tod, Merchant
Ten pounds sterling
John Walker, Merchtt.
Five pounds stgt.
Jas. Grant, Merchtt.
Five pounds stg.
James Milroy
for ten pounds sterling
Coutts Brothers & Co Merchts
Ten pounds and ten Shillings stg
Coutts Brothers & Co. for
Coutts Stephen Coutts & Co. Merchts.
in London—ten guineas
Da. Flint, Merchtt. Ten pounds stg.
T. Clerk M.D. Ten Guineas.
Jo. Rutherfoord, Ten Guineas
And. Str. Clair, Ten Guineas
Boswell, five Guineas
John Brown, Ten pound
R. Fleming, five pound
Rob. Cleugh, Two pounds
Gilb Laurie, Five Guineas
William Sands five pounds.
Andrew Wardrop Three pounds
David Loch, ten pounds stg. for
father & self
James Campbell, Late of St. Germans
Five pounds and five shillings sterling.
Robert Lithgow, Three pounds stg.

1752. Geo. Drummond Lord Provost
of Edinburgh—Fifty pounds ster.
Adam Fairholme Merchant
Ten pounds sterling
Twenty pounds sterling
William Alexander
Gavin Hamilton, Bookseller
ten pounds sterling
Thomas Hogg, Merchtt. in Edinr
Ten pounds sterling
Ebenezer McCulloch Merchtt. in Edin
Ten pounds sterling
Pat. Lindesay, Mertt. in Edinr
Ten pounds sterling
William Ruthven Writer in Edr
Ten pounds sterling
Alexr. Brown, Merchtt. in Edinr.
Three Guineas
Alexr. Hunter, Merchtt. in Edinr.
Five pounds stg.
Alexa. Shairp Merchtt. in Edinr.
Five pounds ster.
Geo : Chalmers, Merchtt. in Edinr.
for Ten pounds sterling
T. Wilson Mertt. in Edinr.
Five pounds sterg.
John Inglis Mercht.
for Ten pounds sterling
John Forrest Mertt.
Ten pounds stg.
Alexr. Donaldson, Bookseller
Five pounds sterling
James Stuart, Merchtt.
Ten pounds sterling
Alexr. Kincaid Bookr.
Ten pounds stg.
Geo : Lind, Mercht.
Five pounds.
~~G. Hugh & Robt Clerk, Five pounds ster.~~
John Carmichaell Merchtt.
Five pounds stg.
John Nisbet Mertt.
Five pounds stg.

George Drummond, the well-known Lord Provost of the time, was Grand Master of the Scottish Freemasons in 1753, and in that capacity laid the foundation stone of the Royal Exchange. He was Lord Provost of Edinburgh during ten eventful years in the middle of the eighteenth century, and it was in one of his periods of office that the foundation stone of the North Bridge was laid in 1763. The subscription list shows also the Scottish origin and connections of the celebrated London Banking firm of Coutts & Co. The firm of Coutts Brothers & Co., was the predecessor of that of Sir Wm. Forbes, Hunter & Co., which was afterwards merged in the Union Bank. It is interesting to note that the Baroness Burdett-Coutts is a Burgess and Guild Brother of Edinburgh, having been admitted in 1873 as an Honorary Member. During her visit to Edinburgh on that occasion, she presented to the Town Council a portrait of her great grandfather, the Right Honourable John Coutts, who was Lord Provost of Edinburgh in 1743 and 1744. (See latter portion of Footnote, page 16.)

III.

Page 125. Expenditure upon the Royal Exchange.—Particulars of this Expenditure are given in the following detailed report, which has been supplied by Mr Adam, City Chamberlain.

The Royal Exchange Buildings.

Memorandum respecting Properties in the Royal Exchange acquired by the Lord Provost, Magistrates, and Council, 1838-1893.

At the passing in 1838 of the Act of Parliament for the Settlement of the City's Affairs the City's Property in the Royal Exchange consisted of :—

(1.) The Public Offices in the City Chambers ;
(2.) Shop No. 15 in the Exchange ;
(3.) Shop and Cellar No. 14 in the Exchange ;
(4.) Cellars in the Exchange ; and
(5.) A Cellar under the Court of the Exchange, and entering from Mary King's Close.

In the Act of 1838 these properties were placed in the Schedule of Properties conveyed in Security to the Statutory Creditors of the City ; but were declared to be redeemable by the Magistrates and Council at the fixed price of £3800.

This redemption took place in the year 1862-63 when these properties became the City's unburdened property by the payment from the Common Good Funds of the Redemption Value of £3,800 0 0

[This Sum of £3800 was applied to the purchase and cancelment of City Bonds under the Act of 1838.]

Since 1838 other Properties in the Royal Exchange and the immediate neighbourhood have been from time to time acquired by the Town Council (by means of the Common Good Funds), namely :—

In 1856-57—

(1.) House in Allan's Close, being the east half of the third storey below the level of the Exchange Court ; price, ... 300 0 0

In 1857-58—

(2.) Premises on the level of the Exchange Court to the west of the entrance to the City Chambers, including the intersole above ; the storey immediately below extending from Allan's Close to Mary King's Close ; and the west half of the second storey below the level of the Court, . 2,400 0 0

In 1858-59—

(3.) The west half of the third storey below the level of the Court of the Exchange and the east half (entering from Allan's Close) of the fourth storey below the Court,. 450 0 0

In 1861-62—

(4.) The east half of the second storey below the level of the Court of the Exchange, ... 480 0 0

In 1868-69—

(5*a*.) Property on the west side of the Royal Exchange which belonged to the Caledonian Loan Company, acquired by the Town Council in 1866-67, and *transferred* to the Governors of George Heriot's Hospital in exchange for their property on the north side of the Exchange ; price paid, ... £1,800 0 0

Carry forward,	£1,800 0 0	£7,130 0 0

Brought forward,	£1,800 0 0	£7,430 0 0	
In 1869-70—			
(5*b*.) Properties in the Royal Exchange, acquired from the Governors of George Heriot's Hospital, being premises on the level of the Court of the Exchange, extending eastward from the east wall of the lobby of the City Chambers to Allan's Close; and the first and second storeys above the level of the Court, bounded on the west, the first storey, by the east wall of the lobby of the City Chambers, and the second storey by the east gable of the City Chambers, and both storeys extending eastward to Allan's Close; with a Cellar or Vault in the uppermost tier of Cellars immediately below the level of the Court: amount paid to the Governors of Heriot's Hospital on ceding possession to the Town Council,	1,200 0 0		
Together,		3,000 0 0	
In 1871-72—			
(6.) Dwelling-house and Garrets in the east wing of the Royal Exchange, being the uppermost house on the north side of the south-east scale-stair No. 12 Royal Exchange, and Garrets above the same, and also to the south thereof,		443 15 0	
In 1881-82—			
(7.) Properties in the middle portion of the east wing of the Royal Exchange: (1) Shop or Office No. 13 Royal Exchange; (2) First or intersole flat, and the second flat entering from No. 12 Royal Exchange; and (3) the fifth flat (immediately under the top flat) also entering from No. 12 Royal Exchange,		1,140 0 0	
In 1887-88—			
(8.) Properties in the north and middle portions of the east wing of the Royal Exchange, entering from No. 12 Royal Exchange, consisting of the third and fourth flats of the north portion, and the third and fourth flats of the middle portion, prices £780, £450, and £400,		1,630 0 0	
In 1889-90—			
(9.) Shop or office, of one apartment, at No. 16 Royal Exchange, entering from the Court of the Exchange,		250 0 0	
In 1891-92—			
(10.) Strip of Ground on the south side of Cockburn Street, forming the site of the Wall on the north side of Ground between that street and the Royal Exchange Buildings; price paid to the Edinburgh Railway Access and Property Company, Limited,		650 0 0	
The following are Properties adjoining the Royal Exchange acquired by the Town Council:—			
In Writers' Court—			
In 1888-89—			
(*a*.) In the eastmost half of the top flat of tenement on the north side of Writers' Court; price,		200 0 0	
In 1889-90—			
(*b*.) In the ground floor, and in the westmost half of the second, third, and attic flats of the tenement on the north side of Writers' Court,		500 0 0	
Carry forward		£15,243 15 0	

Brought forward .	£15,243	15	0
In Craig's Close—			
In 1888-89—			
(*c.*) In the third flat of No. 1, and the top flat and attics of No. 3, Craig's Close,	460	0	0
In 1889-90—			
(*d.*) In the fourth and garret flats of No. 1 Craig's Close, . . .	150	0	0
In 1890-91—			
(*e.*) The first flat above the street flat of tenement on the north side of the High Street (No. 263), and the five lower flats of the tenement behind, being Nos. 3, 5, and 7 Craig's Close (£930), and the fifth and part of garret flats, No. 1 Craig's Close (£120), . . .	1,050	0	0
In 1892-93—			
(*f.*) The second flat above the street flat of tenement on the north side of the High Street, entering from No. 1 Craig's Close, and extending northward to the north boundary of the tenement No 3 Craig's Close, .	230	0	0
Expenditure from Common Good Funds for Properties in and adjoining the Royal Exchange, ...	£17,133	15	0

Memorandum of Expenditure in 1889-90, *and subsequent Years, for Works and Permanent Fittings at the City Chambers.*

(1.) Year 1889-90, ...	£4,720	2	1
(2.) Year 1890-91, ...	2,294	14	8
(3.) Year 1891-92, ...	...		
(4.) Year 1892-93, ...	416	14	1
	£7,431	10	10

The figures given in the text are taken from the Conveyances in favour of the Magistrates and Council of the Portions of the Royal Exchange named in connection with each item.

APPENDIX.

PROPOSED IMPROVEMENTS AND ADDITIONS TO THE PRESENT MUNICIPAL BUILDINGS IN THE ROYAL EXCHANGE.

CITY CHAMBERS, WITH PROPOSED ADDITIONS (FROM SCOTT MONUMENT).

APPENDIX.

PROPOSED IMPROVEMENTS AND ADDITIONS TO THE PRESENT MUNICIPAL BUILDINGS IN THE ROYAL EXCHANGE.

PRESENT ACCOMMODATION TOO LIMITED.

IT has been felt for many years that the requirements of Civic business have outgrown the accommodation provided in the City Chambers, in spite of the extensions which had been made by the purchase of the adjoining premises that have been referred to in the preceding chapter. The room which is occupied by the Burgh Court, the Dean of Guild Court, and the Justice of Peace Court, is specially deficient in floor-space and ventilation, and the Council Chamber itself, though much admired for its fine proportions and general elegance, is too small for many of the purposes that it is called upon to serve. The north elevation of the building, though possessing a dignity of its own from its massive plainness, is, from an architectural point of view, unworthy of the commanding site it occupies. Built originally towards a wide valley, with nothing beyond it but open fields, it has become, through the extension of Edinburgh to the north, an important façade of the edifice. The extreme severity of its lines has, moreover, been brought into even greater prominence since the formation of Cockburn Street, towards which the immediate frontage of the City Chambers property consists of a very plain retaining wall.

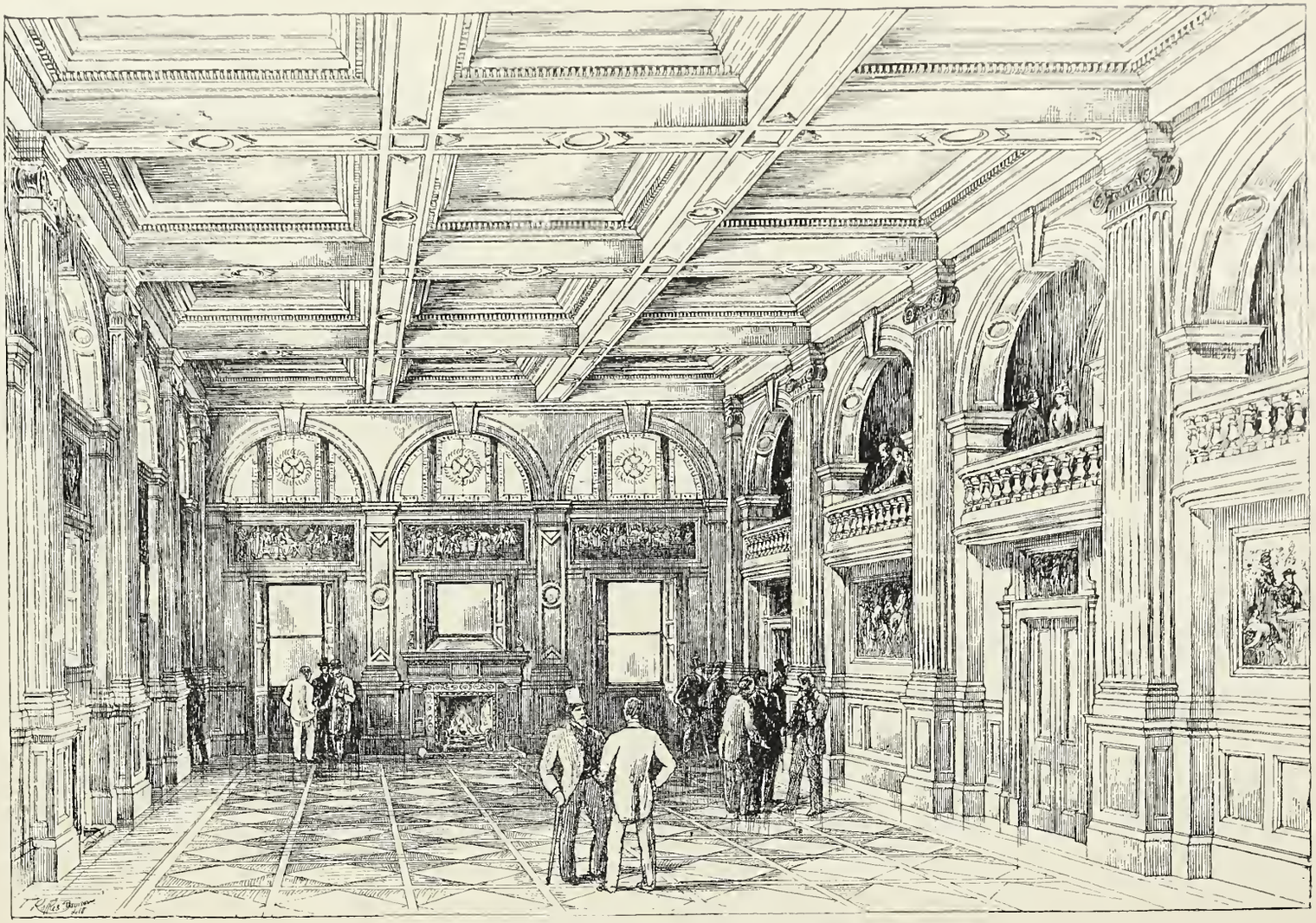
Apart from minor defects best known to the officials, those referred to are patent to all. Since 1886, the City Architect (Mr Morham) has remodelled the interior of the south-east wing, and divided it into three floors, of which the Water Trust Collector's Office occupies that on the level of the Square. The floor above is the handsome Committee Room No. 4, and the top flat is the very handsome room used as the Museum and Library, which is already too small for the purpose. Mr Morham has also constructed since 1886 four fireproof rooms or safes in the east end of the main building, one of which is for the City Clerk's Department, and the others for the Chamberlain's Department, the Clerk of the Courts and Magisterial Department, and the Procurator-Fiscal's Department.

EXTENSIONS PROPOSED IN 1885.

The limit of accommodation in the present edifice has now been reached, and improvements on a more extensive scale must soon be taken in hand. An important step towards the provision of more suitable buildings was made in December 1885, when Lord Provost Sir Thomas Clark introduced the motion, which was referred to the Lord Provost's Committee, "that the present Municipal Buildings being inadequate for the proper conduct of the public business of the City, it be remitted to the Lord Provost's Committee to investigate and report on the whole subject, and, to enable them to do so, to take such professional or other advice and assistance as may be deemed necessary." A second motion by Councillor Cox was received and sent to the same Committee, with directions to consider how best a public hall, "more worthy of the Metropolis of Scotland," might be procured in a central position. On the 29th January 1886, a sub-committee to whom these motions had been further referred, drew up a minute of the lines on which they intended to work, which assumed "that if the present site of the City Chambers was to be included in the proposal and structure, the area to be occupied would extend from Warriston Close on the west, to Craig's Close on the east, and from Cockburn Street on the north, to High Street on the south." All the subsequent proceedings were based on this assumption that the site was to be retained, though extended as we have described, and that upon this site a structure entirely new was to be built. Provision was to be made for a Council Room, two Court Rooms—one for the Justice of Peace Court and the Dean of Guild Court, and one for the Burgh Court,—and three Committee Rooms, in addition to a room for the Lord Provost. It was proposed to have the rooms for the principal officials, so far as possible, on the ground floor; and in addition to suitable offices for the Departments already located in the City Chambers, it was intended to provide accommodation for the Assessor of Lands and Heritages, the Registrars of Births, Deaths, &c., the Water Trust, Heriot Trust, the Inspector of Weights and Measures, the Burgh Engineer's Department, the Medical Officer of Health, and the Collector of Police, besides space for the Branch of the Clydesdale Bank, which occupies part of the buildings of the Royal Exchange.

After further meetings of the Committee, it was decided to have an open competition, and a large number of designs were submitted in response to the invitation. A large discretion was left the competitors as regards expense and style, and the time for lodging plans was finally extended to 31st January 1887.

When the *interim* report came before the Council for approval, there was some opposition to the scheme on the grounds (1) that the public had had no opportunity of considering the subject; (2) that it did not provide for a City Hall; (3) that it did not include accommodation for all the departments of the City's business; (4) that it included accommodation for the Heriot Trust and the Clydesdale Bank; (5) that no reliable estimates had been produced of the cost; and (6) that it was not decided



INTERIOR VIEW OF PROPOSED COUNCIL CHAMBER.

whether all the property scheduled would be required. An amendment on these lines was subsequently withdrawn, and another amendment, which was virtually for delay, was defeated by twenty-eight votes to nine.

On March 1st 1887, the Lord Provost's Committee submitted a Report by Mr Alfred Waterhouse, who had acted as the City's Assessor in adjudicating on the designs and plans that had been sent in. Mr Waterhouse had examined fifty-six sets of drawings, which had been submitted in competition, with estimates of expense varying from £66,000 to £280,000. He reported that "the absence of perspective views had made it difficult even to a professional eye to judge accurately of the effect of a building on the distribution of whose masses so much depends." He selected six of the fifty-six for the awards proposed and referred specially to a seventh which differed from all others in being practically an adaptation of the old buildings, with additions necessary for the increased business. "I cannot quite pass over in silence another design—No. 29 (crescent moon in shield)—which is a clever attempt to make your present buildings give you the greater part of the scheduled accommodation by adding a new north-west wing and additions to the east and west of the quadrangle; while some consideration is given to the bareness of the north front by high-pitched roofs and well-designed chimneys. This scheme leaves some of the existing buildings on the site untouched."

PLANS EXHIBITED, 1887.

The designs of all the competitors had been exhibited for some time in the Waverley Market, that the citizens might have an opportunity of inspecting them for themselves, and it was now resolved (March 1st 1887) to take a plebiscite of the voters on the Municipal Register, as to whether a Bill which had been drawn up asking for power to erect new buildings should be prosecuted in Parliament or withdrawn. A statement was circulated to the ratepayers giving reasons and particulars of the proposed changes. It was shown that the present building was insufficient for the proper and efficient carrying on of the Municipal and Police administration of the city. The population had increased from 86,000, when the present buildings were erected in the middle of the last century, to 260,000 at the present time, and though the business of the city had enormously increased, no additions had been made to the public accommodation in the Royal Exchange. The total cost of the scheme was still left an open question, but it was considered, that even if entirely new buildings were erected, a rate not exceeding twopence in the pound would be sufficient to cover the cost, extending over a period of twenty years. And it was pointed out that if a modified scheme of adding to the present buildings should be adopted, probably half that rate would suffice, whilst in any case no greater burdens would be laid upon the town than before, as the full estimate of twopence in the pound required for a completely new scheme was the amount of the expiring Improvement rate, which was no longer needed.

DEFEATED.

A plebiscite was then taken, and on March 28th the Lord Provost's Committee reported the result. 41,670 cards had been issued: 20,538 voted "no"; 7112 voted

"yes"; 1238 were returned as "gone—no address," or "deceased"; and 143 cards were "refused" or "disallowed." Less than two-thirds of the total roll had given their opinion on the subject, and the proposal was rejected by almost exactly one-half of the total available vote. In consequence of this decision, on the motion of the Lord Provost, the Magistrates and Council remitted to the Lord Provost's Committee to have the Bill withdrawn, and the scheme for New Municipal Buildings came to an end for the time.

MY PROPOSALS RETAIN PRESENT BUILDINGS.

The years that have elapsed since 1885 have only proved more conclusively the necessity for increased accommodation, notwithstanding the recent important additions, if the business of the city is to be conducted with comfort to those concerned, quite apart from any idea of elegance or display. One important consideration in approaching this subject is the condition of our present buildings. With the exception, as already stated, of a portion at the north-west corner,—which is not part of the scheme of 1754,—these were erected in such a substantial manner that they show nowhere any sign of decay. They are, for all practical purposes, as good as when they were built a hundred and forty years ago. They are not, it is true, in a finely finished style of workmanship, but the walls are thick and strong, those in the lower part being from four to four and a-half feet thick, and the upper parts correspondingly massive. The foundations appear to be thoroughly reliable, as, with one or two trifling exceptions, there are no indications of settlement or fracture.

Towards the south the present range of buildings has also, so far as architectural elevation entered into the original plans, great merits of its own. The whole edifice had been designed in a uniform, simple, but appropriate style.[1] Towards the north, indeed, as already pointed out, the only feature worthy of remark is the

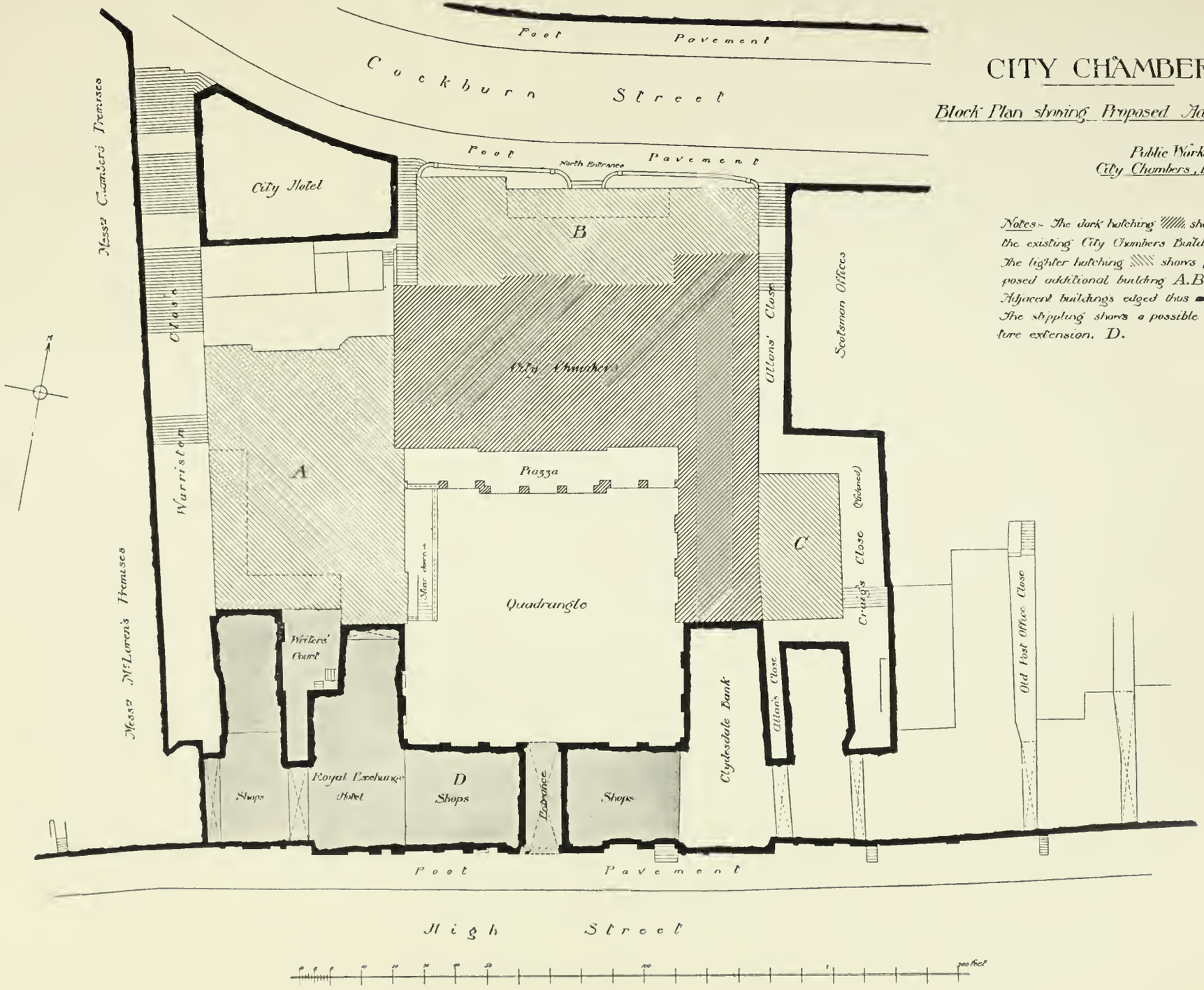
[1] "The proposal made a few years ago to rebuild the City Chambers on the site they now occupy, would have deprived the town of a building with the respectable age of 140 years, and have given us a new building which, whatever merits it might have possessed, would have had the heavy original sin, that it displaced the old building. . . . I wonder if any member of the Corporation felt as I did, that there was some consolation in the thought that the vote had preserved to the city a building of respectable age, not without some simple dignity, of good masonry, with simple, well-proportioned unaffected detail, expressive of its purpose, restful and free from that straining after effect which is the fault of so many new buildings; a building, moreover, in and around which, especially if completed in accordance with the original design, it would be quite possible to provide for the requirements of the Municipality?" —[From the Opening Address of the Edinburgh Architectural Association, 9th Nov. 1892—"Our Duty in respect of Ancient Buildings"—by the President, W. W. Robertson, Esq., page 5.]

CITY CHAMBERS.

Block Plan showing Proposed Additions.

Public Works Office
City Chambers, Edin^r. May 1894

Notes:- The dark hatching ▨ shows the existing City Chambers Buildings. The lighter hatching ▧ shows proposed additional building A.B.C. Adjacent buildings edged thus ▬ The stippling shows a possible future extension. D.



great mass and solidity of the structure. But we must remember that criticism from the north was not anticipated in 1754, when Princes Street and the New Town did not exist, and the swampy region of the North Loch was the nearest neighbour of the Royal Exchange on that side. The present very plain treatment of what has come to be the northern front was all that could be demanded or expected when it claimed to be nothing but the back wall.

The buildings at the north-west corner of the Quadrangle, on the other hand, which are more than two hundred years old, are by no means of the substantial character of those forming the rest of the Royal Exchange Square. Part of these buildings have been unoccupied for some time past as unfit for habitation, and the bulk of the upper floors are let to a humble class of tenants. When the other buildings surrounding the quadrangle were erected in 1754, this corner, approached by Writer's Court, was not interfered with, and it has been applied to a variety of uses for some time past. About thirty years ago the wall next to Warriston Close was considered to be so unsafe as to require either to be taken down or strengthened. The latter course was adopted, the expedient used being the introduction of strong, well-built piers, and the result has been so far successful that the building remains. There can be no doubt, however, that from age, and from the alterations that have been made upon the structure internally, the necessity for the removal of these old buildings is only a question of time. It has been mentioned already that the Town Council has taken powers to acquire this property under an Act of Parliament obtained in 1893. This was done, in view of the prevailing opinion, that the present site is on the whole the most suitable one for the Offices of the City of Edinburgh.

Inexpensive.

Mr Morham, the City Architect, has prepared plans to my suggestions for an extension of the buildings in the present Exchange Square, and the adornment of the northern front to make it more in keeping with the picturesque site. Seeing that the present structure is so firmly built,—quite apart from any solicitude for the many architectural features of the southern façade,—it would be a pity to remove it altogether. The question of expense has also been considered, as these plans can be carried out in their entirety for a sum not exceeding £50,000. I propose, besides, that they should be executed in instalments, the first division to cost only £12,000, which reduces the expense for Municipal Buildings worthy the name to a minimum, and makes the burden on the rates practically nothing. The plans keep the City Chambers and Civic Offices of Edinburgh in that central position in the city where they have existed for more than five hundred years, on a spot within a stone's-throw of which the Corporation of the Burgh and City of Edinburgh has had its home and pursued its deliberations in peace and in turmoil during its history of twenty generations. No site, in the New Town or Old Town, could be selected, round whose neighbourhood are associated so many memories of the centuries that are gone, and of the

kings and queens and nobles and citizens whose doings, as we read them in the sober pages of fact, make the High Street as it were again alive before our eyes;[1] as no other site could be chosen where bold and telling architectural effect could add more to the beauty of the scene, or secure for every shilling spent upon stone, more striking or more conspicuous result.

References to accompanying Plates.

A Plan of the original buildings of 1754-6 will be found also in this volume, facing page 111. It will be seen by comparison of this with Plan No. 12, showing the Principal Floor, including the addition at the Buildings now proposed, that the main structural difference is the extension erected on the space marked in the Old Plan at P. This is now occupied by the old buildings in Writers' Court which have at different periods accommodated the Society of Writers to the Signet and the Heriot Trust, but the greater part of which now belongs to the Corporation. On this area it is proposed to build, as shown in Plan No. 12, a new block, finishing off the Quadrangle closely after the original drawings, and furnishing accommodation, which is greatly needed, for the Burgh Court on the ground floor, and for a new Council Chamber above. The Council Chamber would be more than twice the size of the present Chamber, and would be approached by a wide corridor lighted from the Square, and have a public gallery running round two sides, and lighted by lunette windows from the Square and from Writers' Court. Plate No. 10 shows an interior view of the proposed Council Chamber. Plate No. 7 shows the appearance of the south-west corner in its present condition for comparison with the proposed completion of the Quadrangle, as in No. 13. This portion of the present Square is the old building which was not removed or incorporated into the design of 1754.

It is proposed that this portion of the extension should be undertaken first. The accommodation it would afford is much wanted, and it could be erected without interfering with the existing offices, whilst it would greatly facilitate the proposed extension in the rear of the main Building. This is the section marked A on the general Block Plan No. 11.

[1] "If anywhere this feeling [of the historic past and the value buildings possess on account of their age] were powerful, it should surely be in this city of our habitation, which is saturated with the memories of the past, where, as Mrs Oliphant has most forcibly said—'The pathos of events that is past and over for ever, the awe of many tragedies, a recollection almost more true than any reality of the present, of ages and glories gone, add a charm which the wealthiest and greatest interests of to-day cannot give to the city, where she stands amid traditionary smoke and mist, the grey metropolis of the north, the Edinburgh of a thousand fond associations, Our Own Romantic Town.'

"Yet surely some of our citizens had but an imperfect appreciation of this, when a few years ago it was seriously proposed to remove the centre of municipal life from the old to the new Town! For eight centuries the full tide, not merely of municipal but of national life, has flowed up and down this old street, so that myriads, from all the ends of the earth, come now to view the scenes of so much that has been great, and strange, and tragic. Yet it was proposed that the citizens themselves should turn their backs on their past, as if all these associations were nothing compared with some slight and, indeed, altogether imaginary increase of convenience."—[W. W. Robertson, "Our Duty in Respect of Ancient Buildings," pp. 3, 4.]

Notes:- The dark hatching ////// shows the existing City Chambers Buildings.
The lighter hatching \\\\\ shows proposed additions and alterations.
Adjacent buildings edged thus

CITY CHAMBERS.

Plan of Principal Floor showing Proposed Additions.

Public Works Office
City Chambers, Edinr May, 1894.

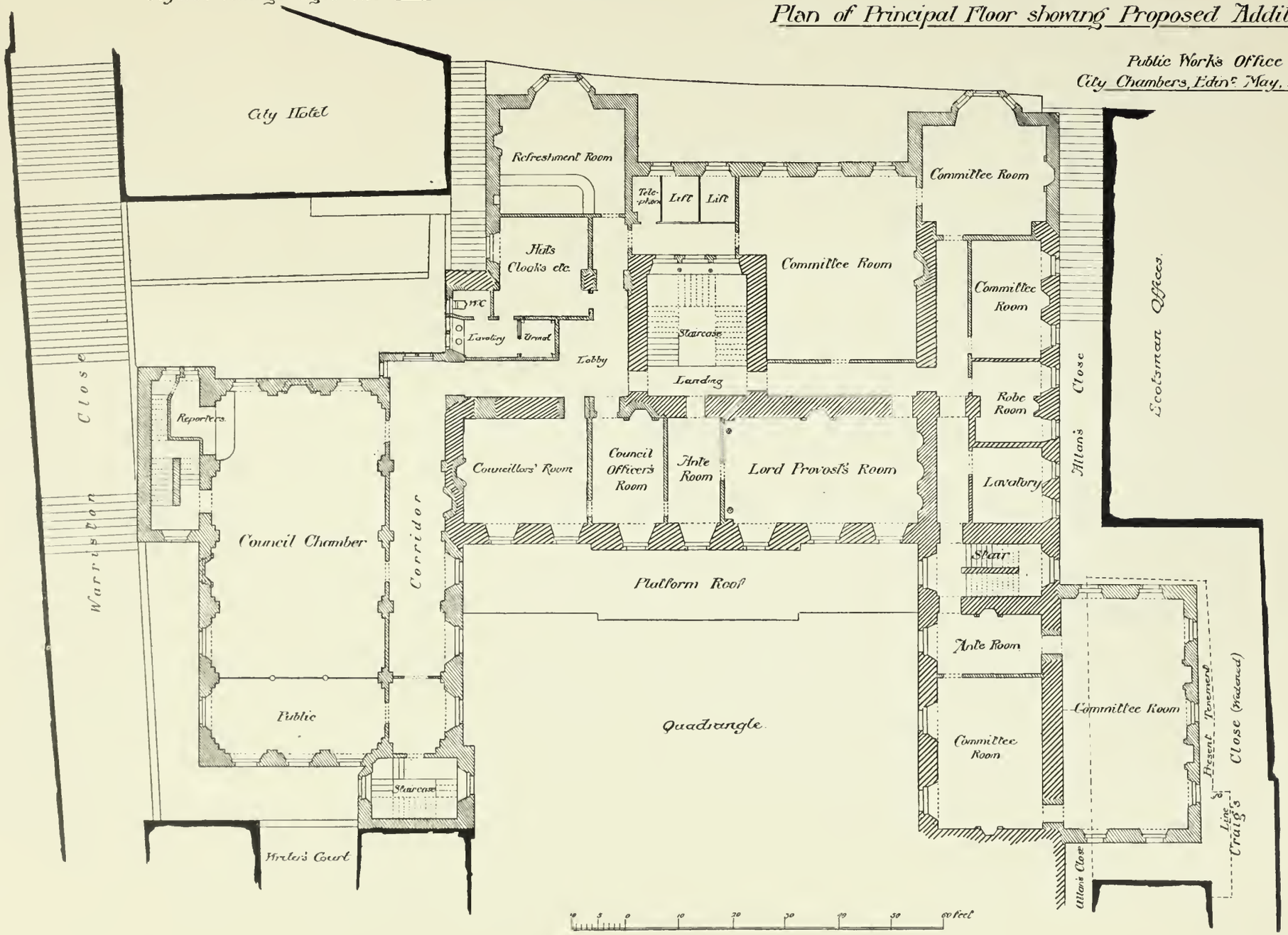


Plate No. 8 is a reproduction from a photograph of the back of the present buildings. Plate No. 9 shows its appearance when remodelled, with the proposed additions. Plan No. 12 and Plate No. 9 show the alterations at Cockburn Street and on the principal floor. The western part, from the central tower to Warriston Close, is the back,—or, as it should be called, perhaps, the front towards Princes Street,—of the block proposed to replace the old tenement in Writers' Court, showing at the middle of the elevation the windows of the proposed new Council Chamber, with the windows of the proposed Burgh Court below. The bareness of the present elevation is relieved by the large central tower with a slightly projecting wing at either end, the eastern wing being the more prominent. This eastern wing will receive some architectural treatment in its pilasters and tympanum, whilst ornamental balustrades are carried round the greater part of the building about two-thirds up, and round the whole of the wall-head at the roof. The tower ends in a Mansard roof, designed both to suit the requirements of the lines of the building itself and to harmonise with the crown of St Giles'—the distinctive architectural feature of the Old Town. Lifts are provided from an entrance in Cockburn Street to the upper part of the Building. The decoration is simple and rather in the mass than in detail, as befits the view from Princes Street across the Railway and Gardens, over which it will always be best seen. If it is not considered necessary at present to build the narrow addition to the eastern half of the northern wall which provides for the decorative treatment, or to proceed with the tower, the carrying out of this portion of the design may be delayed. It would, when finished, provide the citizens with a City Hall or Municipal Buildings of which even the second and most beautiful city in the empire need not be ashamed. Block Plan No. 11 shows how much new building would be required, and shows also the northern front line of Block A (Council Chamber and Burgh Court) at the western end as complete in itself.

The Plans also provide for a new Committee Room on ground between Allan's Close and Craig's Close, as at C, Block Plan No. 11. That is the only extension to the east.

PROVISION FOR LATER EXTENSIONS.

Block Plan No. 11 shows also a possible further extension at some later date. From an architectural point of view, one of the excellent features of the present buildings is the front that it presents to the High Street, were the archways only cleared out and made, perhaps, not so deep. It has been suggested that the arches so cleared might be fitted with suitable ornamental gates or grilles, which would give a dignified and ornamental approach to the Quadrangle and south Façade. It might, perhaps, be found better and more convenient in every way to open up only one extra archway on each side, so as to afford a new carriage entrance and exit. The second archway from the Clydesdale Bank on the east, and the second one from the Royal Exchange Hotel on the west, would probably be found most convenient for this purpose. Vehicles might

enter by the archway on the west and leave by that on the east—or *vice versâ*—reserving the present entrance by the centre archway for foot passengers alone. In that case the other arches could be utilised as houses or offices for those officers of the Corporation whose services might be suddenly required, and who should be readily accessible to the public, such as turn-cocks in connection with the water supply, or the caretaker of the buildings, or—what is greatly needed—an officer in charge of a general inquiry office for the town. The premises between the archways and Warriston Close on one side, and Allan's or Craig's Close on the other, might supply additional accommodation at a later date still, if a further increase in the population should demand additional room.

Preserve Historical Continuity.

The present Municipal Buildings in the Royal Exchange have served the City of Edinburgh for nearly three-quarters of a century; they succeeded a building, the New Tolbooth or Council Chambers, which had done duty for two centuries and a-half; its predecessor, the Old Tolbooth, had been the centre of the life of the burgh of Edinburgh—as it then was—for nearly two centuries before; before the Old Tolbooth had been erected, another "Pretorium" or Tolbooth had existed, close to the present site, for we know not how many years:—with these proposed additions and alterations the new City Chambers should outlive even the longest-lived of its predecessors, and hand down to generations to come the uninterrupted memories and traditions of a burghal and civic life whose headquarters have stuck tenaciously throughout the history of the town to that quarter of the High Street which is the centre of the Edinburgh of to-day as it was also of the restricted Edinburgh of old.

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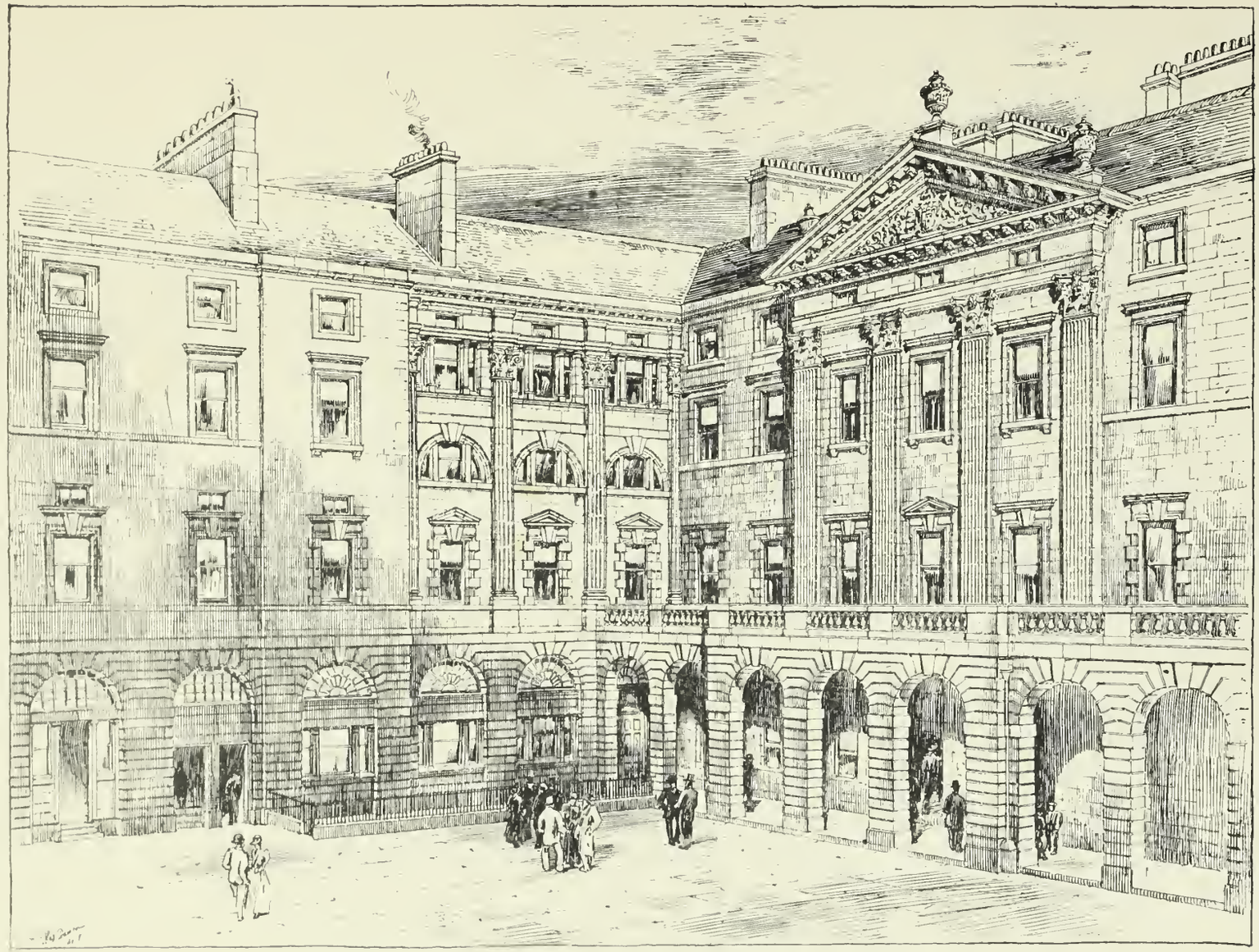

NORTH-WEST CORNER OF QUADRANGLE, SHEWING PROPOSED BUILDINGS THERE.

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